AKWESASNE NOTES

"WHERE THE PARTRIDGE DRUMS"

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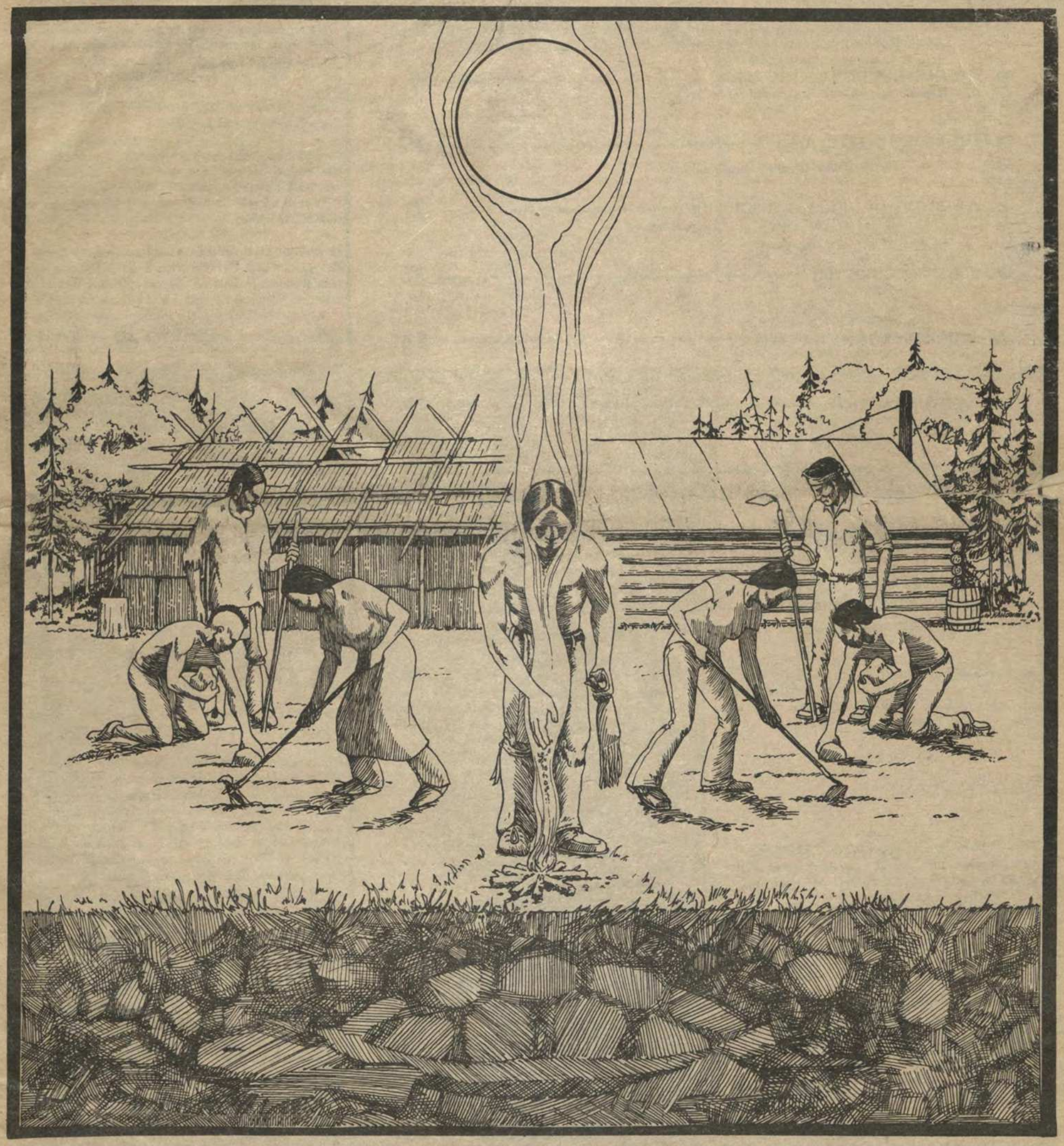

A JOURNAL FOR NATIVE AND NATURAL PEOPLES

-FAMILY-JURISDICTION-WOUNDED KNEE-HOPI-PARAGUAY-PELTIER-

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AKWESASNE NOTES PEOPLE:

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John Fadden, cover, pp. 4,6,7,8,17,19,22,23,27; Joel Johnston, pp. 3,29,32; Council on Interracial Books for Children, p. 15; Smithsonian Collection, p. 21; In These Times magazine, p. 25.

NEEDED FOR NOTES

- zoom lens for Canon FT camera
- cast iron pots & pans; crocks
- canning jars
- tools: hammers, saws, planes, adz, log-carriers
- a good buy or gift of a tractor
- draft horse
- used file cabinets, especially for 5x8 cards
- 3x5 cards
- 35mm camera black & white film
- mitts
- blankets
- wash clothes
- splitting wedges
- towels and wash cloths
- office supplies: clips, staples, markers
- flashlights

[The staff of AKWESASNE NOTES are volunteers. Contributions to the newspaper go entirely to cover printing and postage costs. Readers' help to make the staff comfortable and efficient and capable is sincerely appreciated, since full-time staff do not have the opportunity to work privately to gain these things for themselves.]

AKWESASNE NOTES
WHERE THE PARTRIDGE DRUMS

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AKWESASNE NOTES is the official publication of the Mohawk Nation at Akwesasne (People of the Longhouse) and contains (from time to time) Longhouse News, the official publication of the Mohawk Nation at Kanawake.

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PLEASE NOTE NEW TELEPHONE NUMBER!

We are always talking about how we can continue to put out a good newspaper. The people here are all volunteers. No one gets paid for doing the work, and that means there is a continuing dialogue, because we have to keep asking ourselves why we do what we do. Are we doing the best job we can?How is our activity designed to produce positive results? What is AKWESASNE NOTES, anyway?

It happened, in the early stages of our preparation for in this issue, that Dorothy announced she was leaving. We were saddened to see her go, but we knew she has other work that she wishes to do. We were happy that she had made a decision to pursue her life in line with her own needs, and we wish her the very best of luck. While she was here, she worked selflessly under difficult conditions, and her work kept NOTES alive through some critical periods.

We had advertised at various times for someone to learn the mailing list operation, but no one appeared who seemed interested in that job. With Dorothy gone, we were really forced to find some way of addressing and shipping the paper.

In addition to this, we have long received comments to the effect that NOTES should publish on a more regular schedule. This has not been possible because the resources in terms of writing and typesetting staff were not available, and we often had no money to meet printers' costs. We have always had problems with money. We are funded by our readers, and not through commercial advertisements or through government grants.

As I say, we are always discussing our situation among ourselves. We had reached another in a long series of crises. It was decided that we would investigate other ways of shipping the newspaper.

To make a long story short, we have decided to adopt a newspaper shipping method which utilizes technology requiring the newspaper be reduced to 36 pages, but at the same time makes possible more issues per year. The question was placed before the Mohawk council, and a decision was made to adopt the new mailing process and to try to establish a more regular publishing schedule.

One of the consequences of the decision was that we no longer required the office building space at Hogansburg, New York, which has been called Nation House and which, over the years, has housed thousands of guests. Nation House has reverted to the use and control of the Mohawk Nation Council. It is no longer a facility of AKWESASNE NOTES.

The withdrawal of NOTES from Nation House does not mean that there have been any alterations in our relationship to the Mohawk Nation. We simply ceased using a building that was formerly a major shipping facility. But we didn't leave the building vacant. We returned it to the use and control of the Mohawk Nation. NOTES continues to maintain facilities near Rooseveltown, Hogansburg, and Bombay.

In addition to these developments, our editorial staff has been busy trying to deal with the problems of organizing and producing NOTES. We know from our mail that we have a widely diverse readership, and we are also under an obligation to provide to our readers the most comprehensive presentation of the concerns of native people, indeed all people, that our skills and resources permit. For that reason, we have approached this issue with a question: What ideas and information can we provide which will give people a significant base from which to respond to the problems of these times?

Our answer, of course, is in the pages that follow. As always, the talents and energies of our many friends, contributors, and supporters produced this paper. In the coming issues, we are hopeful that we will be able to present an even more focused version of our view of the world. We are trying, however falteringly, to get serious about writing a newspaper.

Meanwhile, at the present time, we at NOTES are also turning our minds to the problems of movement towards more natural lifestyles. We are going to plant gardens and raise buildings and take care of the many details of life. In summary, that is how it is with us. ●

HOW TO SUBSCRIBE TO THIS NEWSPAPER

Just write to us, and we'll add your name to the mailing list. There is no fixed subscription price – but that does not mean the paper is free. Printing alone for this issue costs well over $5,000, and rising postage costs will come to about $2,000. Then there are typewriters, ribbons, glue, supplies – and that doesn't include costs of bare maintenance for full-time staff. We are not funded by universities, foundations, government, etc.

Our money comes from our readers, most of it in small donations such as $1, $5, $10. Some people have lots of money, others have none – we ask people to do what they can. If you want the paper, we're glad to send it to you. If you want to help with the costs, we will appreciate that – that's how the Creation's cycles keep moving.

Another issue will be ready for mailing as soon as funds for printing have accumulated. Write:

AKWESASNE NOTES
Mohawk Nation
via Rooseveltown, N.Y. 13683
telephone (518) 483-2540

KEEP US STRONG!

This paper cannot exist without the support of its readers – you the human beings who read these words. There are many ways – responsibilities, actually – readers have to keep the paper alive and strong:

– take action on what you read. Write letters, think, give support, change your lifestyle, lend spiritual help, form a community support group.

– send clippings from your local papers. If there is a good photo, ask the newspaper if they will send you a glossy print. Date and identify all clippings. Who will clip in Philadelphia? Ashville? Miami? Milwaukee? Albuquerque? Portland? Edmonton? Kenora? Helsinki? Melbourne?

– send us your own articles, essays, book reviews, editorials, letters, poems, photos, tapes. All can be returned upon request.

– take the responsibility of covering events for NOTES. Send a completed article, or information, feelings, tapes. Conduct interviews. Record speeches and conferences.

– send us mailing lists. We will send sample copies of the next issue. How about a list of tribal members? claims recipients? urban center addresses?

– sell the paper at a powwow, meeting, church, on your reservation, at the Indian center, in stores, in town, on campus. Great chance to talk about the issues for consciousness-raising. Educate your community. You send us 35 cents for each paper after and if they are sold, or 25 cents each in advance.

– Indian education funds available? Title IV? Library grant? Suggest that your group order books from NOTES to boost their selection of native materials, and to bolster NOTES income.

– form a committee, or go by yourself, to encourage bookstores, poster shops, gift stores, tobacco shops to carry NOTES books, crafts, smoking mixtures, calendars. Tell them to write – or send us their addresses. Follow up in a month to see if they did.

You can be a participant in the native causes by helping to spread the word, to create change, to inform. AKWESASNE NOTES is a part of that. You can work together with us, from your own area, no matter how far away that might be in miles. Everything in this issue of NOTES came from someone who cared – and to you all, we are grateful.

– let us know of people who should have the paper. Native people in institutions, friends, anyone who may want/need to read NOTES.

MICROFILM

AKWESASNE NOTES is available on microfilm and microfiche from a number of sources:

University Microfilms ($4.60 and $6/year)
Ann Arbor, Michigan 48105

Microfilm Corporation of America
21 Harristown Road,
Glen Rock, New Jersey 07452

THINKING ABOUT MOVING? JUST MOVED?

Let us know right away so we can change your address. Going home for the summer? Let us know. If you're not at the address on our list, either the paper will be forwarded at a high cost to you, or it will be destroyed and NOTES will receive a notice for which we have to pay 25 cents. Since 5% or so of our readers do move between issues, that would mean more than $700 cost to us, plus the loss of 3,000 newspapers. So please – write BEFORE you move!

With the 50th issue of AKWESASNE NOTES, we announced the establishment of a building fund to create a permanent home for AKWESASNE NOTES. While we're happy and not complaining, our present two-cabins and a house-trailer are really not adequate to publish a newspaper, ship books and posters, and all the other work we have – not to mention that we have to live there as well.

We are cutting spruce logs ourselves to help with this work. This summer, we hope to construct one building long enough to use for shipping AKWESASNE NOTES and posters, and to warehouse our books. We also hope to construct a number of simple cabins, yurts, lean-tos, caves, and such for ourselves to live in.

We invite the readers of AKWESASNE NOTES to participate with us in this work by sending a special constibution marked "Building Fund" for depositing in a special account until construction begins.

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THE FUTURE IS THE FAMILY

An understanding of how the native family has been fragmented, and its essential place within the natural way.

"Let us put our minds together and see what kind of life we can make for our children."

-Sitting Bull

A few years ago, there was a religious convention at the Tonawanda Reservation in Western New York. I think of that time often. One of the oldest men of the Six Nations was there, and we talked for a long time. He was a speaker and leader of the traditional religion, a soft-spoken and sincere man who I remember best for a gentleness that was a part of him. There was a quality about him that isn't common any longer: He had a strong and honest place in his heart for the People.

He came to me that day and said that he had heard that I was trying to learn about our religion. The religion of the People of the Longhouse is a very complex one. There are many skills to learn, many explanations, many stories, much music. I am certain it is one of the most complex in the world, for it is the oldest, or I should say it belongs to the family of oldest religions. We still carry on ceremonies which archaeologists today say were carried on by human beings 70,000 years ago. Our religion contains activities which are similar in some basic ways to the ways of native people in Australia and Africa. It is, according to our tradition, the original teaching, passed down from generation to generation, from a time when all human beings in the world were hunters and gatherers. It contains our original instructions.

"Our religion is really a way of life," he said. "It is one of the hardest ways to follow. There are few of us now who really follow that way."

I knew he was right. He was one of the people who had turned my mind to that way of life. I wasn't attracted to him because of his words, although I liked his words. What drew me to him and his ways was his strength. In his nine decades of life he had seen the world turn around, and yet he remained compassionate and responsive, and his thoughts were always about the People.

"Why is it that way?" I asked. "Why do the people no longer follow the old ways? Even today, a lot of people say they were good ways. But people don't follow those ways anymore."

What he told me was something that many people would not wish to hear. My friend had grown up in a different world from the one I knew. He was raised in the old ways, and he knew as much as anyone alive about the People. He knew the secrets of our culture, and was one of the headmen of the Six Nations' religion. To my knowledge, he lived up to that which we had been taught to expect from a man in his position. As long as I knew him, he never harbored a negative thought for anyone.

"I remember the first time I ever came here," he said. "We came by train, and some people from here met us at the depot. They brought us the rest of the way by horse and buggy."

"In those days, most of the people here raised their own food. People didn't have much, but it seems that they got along all right. We came here to hear the religion. In the afternoon, the people gathered together in the Longhouse to talk about what they had heard. I was a young man at that time, I was just learning about these things."

Some of the people here told us about a problem they were having in this community. There was a woman here who had been brought to our attention. They told us that this woman had been all around the community, that many of the men had

known her. It was a thing of great concern at the time. The people here said that such a thing was unknown among the (Longhouse) people."

"The people talked about it that afternoon. They said that what has happened is that our people are taking up too much of the European (sic) ways, and that if this continued, we would lose our own ways."

I knew what he meant. He wasn't talking about morality, he was simply stating a fact. We had talked many times and I knew that he felt that many of our people no longer really lived the old ways. But he always had hope, whenever he saw young people who might try to be Iroquois again. He knew that as long as there were a few young people really dedicated to following the old ways, that the culture would go on, and that possibly the People would come back to it someday.

He wasn't saying that the people didn't know about adultery, or that the woman was evil. The religion talks about such things and such things went on in those times. But until that time, the community was able to exert some kind of sanction against such behavior. This time, the Longhouse was admitting that it no longer had the power it once had to deal with a problem which, in the past, it could have affected.

When we talked about the decline of our culture, the old people pointed to the evidence of the decline of our families. Only a short time ago, our people had large, strong families. It is much less true today. Probably less than one half of the children under five years old are living in the same [illegible] with their natural fathers. Marriages do not last. The family, and with it the old ways, are under tremendous pressure.

The thoughts of the old people are strong. They said that all people needed to be happy was to learn to appreciate the things we have, to be grateful. And they pointed out that there was much to be grateful for. (Years later, I found myself looking up a dictionary definition of happiness. It was defined as a feeling of good fortune.) And one of the truths that the old people stressed was that the quest for material goods make people unhappy. All you need for a good life, they said, was a strong belief that the Creator has provided for the People, a good mind toward the People, and a will to help others.

Over the past seventy years, it seems that fewer and fewer people are in pursuit of that good life. The result, logically, has been a great deal of misery, which is arguably a contemporary reality. It is as though something enormous has happened, and that somehow people have been sold a "bill of goods," to the effect that everywhere we look we can see that people really aren't living natural ways.

There are a few sincere people who will argue that natural ways are not good ways. The natural way means living close to the earth. It means eating foods which are natural to the region you are living in, and which have not been processed. It means avoiding the use of harmful chemicals, chemicals such as refined sugar and food preservatives. It means plenty of exercise and fresh air and much attention to the body. The natural ways require an abstinance from such things as alcohol. Ask anyone who knows anything about health – those ways are good for you, they will add many years to your life. Those ways will keep you fit and physically active much longer, and help to keep people's minds healthy.

Most people in North America do not live those ways any longer. Over the past century, there has.

been a tremendous propaganda campaign to convince people that there are other, better ways. Since birth, most of us have been subjected to an argument that we should be drinking soda pop and eating canned spaghetti, and the effort has been successful enough that such things dominate our food culture. The reality is that most people have been motivated by advertising to be consumers of unnecessary and even undesirable products of modern technology.

We have always been told of the advantages of modern society. There is more wealth, more goods and services, more ease, less work. We have rarely been told the costs, in terms of people's lives and misery, which the modern society has extracted from each of us, even those people in North America who have seemingly benefitted from all the "advances." The "modern age" and its consumer values have altered, in very basic ways, the very structure of human society.

Most people agree that the modern family is an institution which is presently under a great deal of stress, although people disagree somewhat about the source and nature of that stress. Most people can probably agree, however, that the family in Western society has undergone great changes over the past century, and it might be helpful to look to the nature and history of those changes for the sources of the present conditions.

The most significant change that the family has faced has been in the area of functions. Those changes are mainly attributable to that process in Western history known as the Industrial Revolution, a process which truly revolutionized much of the basic structure of the society. The Industrial Revolution reduced drastically the number of functions which the family traditionally performed. Prior to that time, the family was the major unit of production, at least in most rural and semi-rural societies. It is fairly clear that one of the first things that happened as a result of the Industrial Revolution was that the function of production gradually left the home, and thus the family gradually ceased to perform much of that function.

In order for any society to survive, it must perform at least five basic functions for its members: Production, Reproduction, Education, Judicial, and Religious/Psychological functions. Societies which are vital and functioning entities are those which have some means of producing the food, clothing and shelter that its members need, and which also have means of controlling the social organization of those function.

"We have always been told the advantages of modern society...We have rarely been told the costs, in terms of people's lives and misery."

In addition to the obvious needs of production, societies must also provide ways for its members to reproduce and replace its population. The social organization which surrounds and controls reproduction includes societal rules concerning marriage: who can marry whom, and when, as well as questions concerning the rate of population increase and decrease, and questions of adoptions, and so forth. A society which fails to be able to deal with these questions must eventually cease to exist.

Societies must also provide for the education of its members. A vital society must provide a means of socialization which instructs people in the skills and required code of behavior necessary for the material and social production of that particular society. Such skills include proficiency in the society's particular language, and an ability to function within the social institutions of the specific group. The dying members must be replaced through this socialization process, and education thus provides the function of training people in the skills necessary for the perpetuation of the group or nation. Thus, education must be seen as a socialization process, for that is the function that the educational process performs for societies.

There must be some way of settling disputes within any group for it to continue functioning in a productive way, as a group. That means, ultimately, that some people must function in roles as judges, referees, advisors, and so forth, and they must have the power, either through force, persuasion, or a combination of both, to enforce their decisions. In that respect, the judicial function (and many societies manage the judicial function spoken of here without courts or legal systems as are common in the West) inevitably infringes into the other areas of societal life. There are many ways in which people have handled this function, but all vital societies have, in one way or another, done so.

Finally, societies must provide some sources of psychological support and/or spiritual direction for their members. This too, takes many forms. Basically, people need to have some sense of identity, some feeling of purpose, and some sense of integration into the society as a whole, and traditionally societies have organized ways to provide support of that kind.

A century ago, for the majority of United States people, those five needs were met, to some degree, by the institution known as the family. Nineteenth Century American life was largely rural, composed of agricultural family units. In that setting, the family was the major unit of production. The rural family raised its own food and produced much of its own clothing, even in the period when it bartered for cloth. The family members produced their own tools, built homes, and to a considerable degree provided at least some security for its older members.

It is also true that, to a considerable extent, agricultural societies tend to support extended (three-or-more generation) families rather than nuclear families. The point is that, prior to the Industrial Revolution, the societal institution which we call the "family" was far more functional than it is today, and that it performed, at least on some level, each of the five functions which a society must perform if it is to survive. The family of the 19th Century functioned to meet the needs of its members.

This can be readily seen in the area of marriage. Families during the last century probably had much greater influence in the area of mate selection than is generally recognized. The young man who went courting most often fell under the scrutinizing eye of his prospective bride's parents and/or grandparents, and they were interested primarily in his history in the area of stability and level of responsibility, and were able to exert a great deal of influence in the matter.

Some sociologists believe that societal institutions have vitality and power in direct relation to their ability to be functional. When the West was an agricultural society, it is true that the "family" functioned to meets its members needs, and vice versa. Parents and grandparents were often the teachers and advisors of the young. In the area of socialization (education) there was a high level of interaction between mother and daughter, father and son, children and grandparents. The relationship, at least ideally, was cooperative and symbiotic. Children were needed and welcome because they helped to increase overall production (in such societies children are viewed as definite and necessary assets, and are not viewed as burdens) and also to provide security for the parents in old age. Parents functioned as friends and teachers, and also often settled internal disputes and acted as advisors in a great many areas. However we view the period, it must certainly be concluded that families were generally far more functional than they are at present, and that functionality was a major factor in the stability of the family.

As was mentioned earlier, the Industrial Revolution changed all that. During the Industrial Revolution, production was removed from the home and centered in factories. The process did not take place over night, but it seems fairly clear that the process of industrial production became the major cause of the decline of the family in the West. As adult members (and at some periods, even children,) left the home to work in the factories, the family ceased to function as a productive unit and became increasingly a unit of consumption. As the process evolved, the functions which formerly served to unify and stabilize the family were gradually replaced by other institutions which were created because those functions were being neglected.

The education system, as we know it, was a product of this time. Today, education is largely concerned with transmission of skills necessary for industrial production and generally does not produce a socialization process which would support stability in the family. As the family ceased to be productive (and at the same time became increasingly a consumer unit), it ceased also to be able to control and influence the behavior of its members in many areas. Marriages became increasingly unstable because people were no longer socialized to support the family, and that happened because the family's functions and ability to function were greatly decreased by the changes in culture brought on by the Industrial Revolution.

The Industrial Revolution forced the creation of a number of institutions of modern society which were designed to provide the functions which had once been the province of the extended family. As people moved into expanding urban areas, it became necessary to create agencies which provided security in case of lay-off or the death of an employable memberof the nuclear family. Thus were "welfare" agencies created. As the remains of spirituality declined and as people found themselves increasingly isolated from their own roots and from their own people, there arose a need for psychological support specialists, and during this period we see the development of modern psychology as a response to this need.

There also developed needs for child psychologists and marriage councillors. Industrial society has found that its people still have the same needs that people have always had. But the process of Industrial society has been centralization for the production of people's needs. The result has generally been that there has been enormous production of "services" in all of these areas, but that most of the needs people have are subjective in nature, and the best efforts of sociologists have been unable to respond to those subjective needs. A social services agency can provide people with the means to obtain food, clothing, and shelter, but it cannot provide the satisfaction people derive from productive work, and that satisfaction is also a great motivation for a wide range of positive behavior. A child welfare agency can see that a child is placed in a situation which provides safety and a degree of material comfort, but such agencies cannot provide the love and sense of belonging which seem to be a necessary part of the socialization of stable adults. And a social security system can provide old people with a means of subsistence, but it cannot respond to the reality of lonliness and the feelings of rejection which are so common in this society among the elderly.

"AND THE TWO OF THEM ARE SUPPOSED TO CLIMB INTO A HARNESS, JUST LIKE A TEAM OF HORSES, AND PULL TOGETHER, ALL THE WAY THROUGH LIFE."

The point is that, although modern Industrial society has created ways of meeting peoples' needs, those ways do not always achieve successful results. Today, the family is seen as a unit which primarily functions to meet people's needs for psychological gratification. This is part of the reason that love is presently so widely the sole criteria for marriage. The high rate of divorce and unhappy marriages suggests that the modern family is failing, in a large percentage of cases, to perform that function. The reason that the family is becoming a non-functional institution even in this area of psychological gratification is probably related to the selection-of-mate process (which is highly ideological and superficial and almost totally non-functional in popular culture) and to the fact that many of the forces which kept the family together no longer exist in most people's experience.

It is probably true that the nuclear family has never been completely successful at meeting its member's needs. For one thing, it cannot adequately perform many of the five necessary functions simply because of its size, and it is highly vulnerable to accidents such as injury or death. The agricultural extended family was probably more successful at meeting its members' needs,although it suffered weaknesses also, especially in the West.

Native peoples are the greatest victims of the process which are presently working to the destruction of the family. Approximately one out of three native children born this year will be placed in non-native foster homes. What is happening to native peoples has the same effect as though some invaders from Mars arrived and demanded one-third of all the school children of the United States, to be taken back to Mars, educated there, and forced to become, for all functional purposes, Martians.

The conscious destruction of the Native family is a persistent policy of United States people. Native people (especially traditional native people) lose their children to welfare placement agencies as a result of purely racist policies. If native people try to raise their children in traditional ways (ways which would, by the way, stabilize the family) the children are removed because they are not meeting white education requirements and because the "standard of living" does not meet that of the administrators. (This is especially true of the problems facing the Navajos.)

Native peoples in the Americas developed societal units of great diversity. The Iroquois, for example, functioned as clans which were kinds of permanent, very large extended families which were not subject to the same weaknesses as were the patriarchal Western extended families. As a societal unit, the clan functioned to meet all of its members' needs. It provided for production, extensive control of reproduction, contained a working judicial system, and practiced its own spiritual tradition. And, of course, it totally controlled the socialization (education) of its members.

There are, of course, many other forms of societal institutions. In fact, the Western nuclear family is far from the norm. Of the hundreds of cultures in the world, the West may be the only culture in which the nuclear family is considered the norm. The Western family is unique. It also is not functioning very well.

Those native people who are in some stage of adaptation to Western culture often lose their children because their families are unstable for the same reasons that American society's families are unstable. But native people are generally poor, and poor people have less chance of being able to exersize any kind of control over their lives.

The Western lifestyle and the Western legal systems are combining to destroy the native people, and the primary victims of the attack, as in any war, are the children. It is no accident that activists of the native movements are calling for the strengthening of the family as a way of reversing the processes destroying native nations and native people. Last year, at a conference in Manitoba, Mr. Thomas Porter, a spokesman for the traditional people at Akwesasne, said:

"People have been asking about the Indian ways. Those ways are not hard to understand. We are supposed to be taking care of one another, of our young, and our old people. We are supposed to plant, to raise food for one another, to help one another. And we are supposed to be faithful to one another.

When there is a woman who is standing with a baby in her arms, there is supposed to be a man next to her, to help carry the weight of that baby. And the two of them are supposed to climb into a harness, just like a team of horses, and pull together, all the way through life."

The family is not disintegrating *only* because it has lost its functions. Functional decline explains a great, perhaps major cause of the problem, but is inadequate to explain the specifics of people's behavior.

The older traditional people of the Longhouse say that the real ways of the People are nature's ways. And how do we come to know those ways?By observing Nature, by watching the birds and the animals, and the other beings of nature. It is an interesting method of viewing the world, and one which I am confident will stir mixed reactions among Western people.

The wolf, for example, is a hunter of the deer herd. He is monogamous, taking but one mate throughout life. And he is known as a very family-oriented species. It is said that the wolf-family is very close and affectionate, that they look to the well-being of their cubs as their first priority. It is also said that they raise cubs in a kind of group effort, and that they practice a kind of birth control. The old Indian people say that the wolf is a very intelligent animal, and that he possesses something that, in English, we would call a "noble character." He is a follower of the natural ways.

People have a domestic cousin of the wolf in many households. The domestic dog, however, bears mostly a biological relationship to the wolf. The dog's behabior, from birth, is specialized to serve humans, not its own species. And the dog is not monogamous, in fact, it forms no real families at all. The dog is a total slave to humans, and cannot survive in most cases without humans. But whenever the domestic dog escapes, it begins to run in packs, to form dens, and to form something like families.

I point to the analogy, not to state that people should live like wolves, but to emphasize that the natural ways support behavior which promotes the survival of the species. Of course, the survival of the species depends on the survival of the young. The wolf's behavior is specialized to the survival of its young, the dog's is not.

People in modern society have a similar kind of problem. Their behavior is no longer specialized to the needs of the human species specifically. Their

behavior is specialized to the needs of modern technological Industrial society. That is why people today are such consumers. It is why they cannot move toward natural lifestyles. It is why families are not stable.

Modern Industrial Society does not require stable families any more than people require dogs to have stable families. In fact, the society is based on the need for children to learn highly specialized skills and to leave the home to practice those skills wherever the jobs may be. That is why the society is so mobile.

The traditional people urge the reestablishment of natural ways of life as a way of strengthening and promoting family unity. It is, as so many have attested, a hard life, but one which has its rewards. And it is a road which requires that we surrender some of our most cherished fantasies, especially in the area of love between mates.

Love has an appreciative quality. The spiritual ways are based on the belief that every living thing wants to know it is wanted and needed, including people. Love can be a thing to lift and motivate the spirit. But for love to be real, the things that are needed and appreciated need to be real also. Most love in our world is fantasy. It is based on things not real but apparent (appearance.) But it can be real. It can be based on things that other people do that support our lives, and on the feelings derived when we do things to support other people's lives. For it to be real, we must be functional human beings, and not simply consumers. We must be producers and not people who acquire. Love requires that we become specialized in our behavior to serve the needs of the people in our lives and not in service to the abstract, distant Industrial Society. We must, in short, relearn to serve our own species.

"THE SPIRITUAL WAYS ARE BASED ON THE BELIEF THAT EVERY LIVING THING WANTS TO KNOW THAT IT IS WANTED AND NEEDED. INCLUDING PEOPLE."

The old people said that the natural ways are the ways of Real People, and that if we leave those ways, our children will become confused and there will be much suffering. They also said that if we leave those ways, we might destroy all life on this earth. Whenever I think of those teachings, I am always faced with some unnerving facts. When the U.S. government or the big corporations tell us not to worry about the drought or the oil shortage, they are telling us not to worry, to go on buying food and gasoline. They have something they want to sell to us.

But the traditional native people don't have anything to sell. When they tell us to follow the Creator's ways, to have families and to be good to children and to be faithful wives and husbands, there is nothing to buy, no buttons to wear, and no music in the background. When they urge us to live the right way, I know what they mean. And in this crisis-ridden time, it seems to be the best advice on the market.

– *Sotsisowah*

BOOK REVIEW

THE GENOCIDE OF NATIVE AMERICAN CHILDREN IN 1977!

–Liberation News Service–

The Destruction of American Indian Families, published by the Association on American Indian Affairs; 1977, 90 pp., $3.50.

"TO REMOVE THE CHILD FROM THE INFLUENCE OF ITS SAVAGE PARENTS" was the goal spelled out in the 1890s charter of the first federal boarding shcool for Native children, on the Navajo Reservation. In 1977, these same goals are implicit in government policies that either direct or condone the removal of native children from their parents.

The Destruction of American Indian Families exposes the federal government's role in the native child welfare crisis and the genocidal effect of government policies on the native community.

And it is indeed a crisis. A staggering 25% to 35% of Indian children are taken from their families and placed in foster or adoptive homes or institutions, according to surveys conducted by the Association on American Indian Affairs, an independent, non-profit native advocacy organization.

HISTORICAL PERSPECTIVE

The historical precedent for the current situation is shown vividly in two reports submitted to the government in 1928 and 1930, reprinted in this book.

In his 1930 report entitled " 'Kid Catching' on the Navajo Reservation," Dande Coolidge, an eyewitness to the practices of the time, described the yearly rounding-up of Indian school-age children, dictated by government policy:

"The Children are cought, often roped like cattle, and taken away from their parents, many times never to return. They are transferred from school to school, given white people's names, forbidden to speak their own tongue..."

It was not uncommon, wrote Coolidge, for parents to "hide their children at the sound of a truck," knowing that many of the children would die in the distant, disease-ridden schools."

"It is a condition easily solved," Coolidge wrote, "if day schools are installed and transfers to distant schools abolished."

TODAY'S CRISIS

Today almost 30,000 native children, thousands as young as six to ten years old, are living in federal boarding schools. And Indian parents face an even larger threat – the removal of their children to white foster homes. It is now white welfare workers and judges who decide that native parents are unfit to raise their own children, order the children's removal to white foster homes, adoptive homes or boarding schools, and often terminate parental rights.

The collection of 14 essays in this book makes it clear that present government policies regarding native child welfare reflect the same deeply white supremacist bias as did government programs 50 and 100 years ago.

"Child Welfare in Oregon," an article written by two natives in the mental health field, describes the racist bias of Oregon's Children's Services Division (CSD) in various case studies.

"The 'Indian ways' of raising children differ vastly from the middle-class, non-Indian norms often used in studies by non-Indian investigators," write Aileen Red Bird and Patrick Melendy.

In cases where CSD caseworkers persuaded Indian parents to voluntarily surrender their children, their research indicates that "intimidation, coercion and legal threats precipitated many of the voluntary surrenders. In a number of cases, racial prejudice is the major reason for terminating parental rights."

INDIANS DISQUALIFIED

Red Bird and Melendy also point out that prospective Indian foster parents are unjustly disqualified from obtaining state foster care licenses:

"Of the Indian children in foster care in Oregon, 95% are in non-Indian homes. In the Portland area, there is only one Indian foster family certified by CSD. Other Indian families report that CSD foster family requirements virtually exclude them from qualifying.

"For example, CSD requires that foster homes have a specified amount of space in bedrooms for foster children. Indian families are often large and live in small homes which do not meet the CSD space requirements....

"Another reason for the low number of Indian foster parents in Oregon is the CSD policy prohibiting the placement of a child with relatives. This policy directly conflicts with the native extended family social structure."

A case history in an essay titled "Ravage of Indian Families in Crisis," by Joseph Westermeyer, illustrates how this same policy is used in Minnesota against the Indian extended family even where they fulfilled the state's income requirements:

"CASE 3. The maternal grandmother and aunt sought to gain custody of an infant boy. The grandmother was employed at an Indian clinic and the aunt was a college student. Their extended family currently was caring adequately for other youngsters, and their finances were good. Nonetheless, the judge at a guardianship hearing ruled against the family."

In most cases, it is white, middle strata cultural norms rather than allegations of child abuse, that are the basis for removing Indian children from their parents.

Red Bird and Melendy relate that in Oregon, "Physical abuse of children is almost unknown in native communities. These communities do, however, consider as a major problem the policies and practices of governmental agencies which abuse their rights to raise their children in a native cultural environment. These policies and practices result from prejudiced attitudes that are institutionalized in schools, social services, health care and the legal system.

A recently-published task force report of the American Indian Policy Review Commission, an agency of Congress, confirms that native children are removed from their families in far greater numbers proportionally than non-native children.

"These policies and practices result from prejudiced attitudes that are institutionalized in schools, social services, health care, and the legal system," the report said.

DEMANDS

The Destruction of American Indian Families concludes with tribal resolutions adopted by the Navajo, Standing Rock Sioux, Sisseton-Wahpton Sioux, Oglala Sioux, the Three Affiliated Tribes of the Fort Berthold Reservation, and the National Congress of American Indians.

These recommendations center on two points: first, that only a tribal court should be authorized to place Indian children either temporarily or permanently off the reservations and second, that government funds should be made directly available to tribes to administer their own family-welfare services, rather than through the U.S. Indian affairs bureau or the state welfare systems.

The essays in *The Destruction of American Indian Families* demand sweeping changes in government policies concerning Indian child welfare and an end to the racism underlying them.

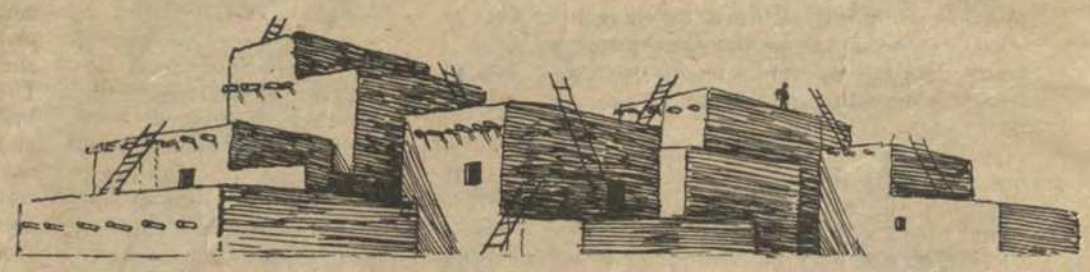
"THE CONTINUING BIAS OF GOVERNMENT POLICY," states the preface, is to coerce Indian families to conform to non-Indian child-rearing standards.

"Indian tribes are asking state and federal governments to stop 'saving' Indian families in this way and instead, recognize and respect the rights and traditional strengths of Indian children, families, and tribes."

The Destruction of American Indian Families is available from the Association on American Indian Affairs, 432 Park Avenue South, New York, New York, 10016, for $3.50.

Another Call From The Hopi

THE PURIFICATION MIGHT BE STRONGER THAN WE KNOW



Notes,

I was very troubled by the "Judy in Fantasy-land" letter article which appeared in the midwinter 1976–1977 issue of NOTES. Though much of it is no doubt justifiable criticism of the problems whites face when trying to relate to the struggle of native peoples, some of the ideas put forth undermine the growing movement to unify not only whites and native people, but all peoples in struggle against a minority which actively oppresses all of us. Judy was oppressed in one way – she has been fed misinformation all of her life. It is inevitable that she should over-react, given a glimpse of the true situation, and the writer analyzes well the nature of her response, but I think he is unfairly critical. Many have wandered from the spiritual path, some only recently, and some many generations ago.

Some have divorced themselves from our common mother the earth and have severely injured her. Many, like Judy, are trying to find their way back. The Hopi are encouraging this return.

Perhaps the Hopi cannot be considered the spokespeople for all native people, as Judy perhaps suggested, but they are certainly a clear example of the continuing oppression of native peoples. Any nation constitutes proof of such a policy on the part of an oppressing minority, made up of business interests backed by local and national government cooperating with friendly "Indians" who have been indoctrinated by exposure to white education and religion. But the Hopi are a particularly good example for many reasons.

First, they have never signed a treaty with the United States government. Second, they did not participate in the election of the tribal council which now claims to represent them. Third, as a people they have never approved any encroachment upon their land, though the sacred burial grounds are now being strip–mined and oil concessions are about to be approved.

Further, the situation there is particularly indicative of the tactics of the oppressors in that the energy to resist is being drawn off by the manufacture of a dispute between the Hopi and the Navajo over the issue of land use. Plans call for the relocation of hundreds of families. The tactic seems to be to get the Hopi to quarrel with the Navajo while the government and industries exploit the richness – in the crude sense by which most European people understand the wealth of the land – of the area. It seems they have us all very busy disagreeing with one another about the best way to stop them while they continue robbing and destroying the only earth we have.

Quoting from Judy's critic: "Some of the people you claim to represent don't want to become one "Indian", I told her. They want to prosper as Shoshone, or Cherokee, or Commanche, or Kwakiutl. Don't you respect distinct cultures?

It was European thinking which grouped all of the nations under one heading as "Indians" and then set about to exterminate them, or rob them of their language, religion, and culture, and then absorb them into the vacuum of European culture. A few of the great chiefs tried to unify the people, but alliances have always been rare and shortlived. The Hopi are making what might be the final attempt. They do not ask all to forfeit individual identity, only to accept that we have a common struggle against a monster which compels all to conform to certain thinking and behavior, and in order to achieve complete dominance they keep us struggling against ourselves.

I was recently in Vancouver for the World Symposium on Humanity. It was a gathering of twelve Spiritual leaders from around the world to share their insights with a thousand people who gathered to hear them.

I am enclosing the transcript of Richard Kastl's talk at the symposium. Richard was attending on behalf of the Hopi Nation. It was one of the most well recieved of the talks. I hope that many might be able to appreciate it. I hope that some will almost hear the quaking of his voice, brought on by a world so hardened by past realities that one must almost be apologetic when one speaks of solutions which involve love and unification. Could we learn to trust and encourage all of the Judys in their difficult journey back to the spiritual path. The European culture lost its way many generations ago, even as many young native people are now being drawn away from the proper way.

I too have been told mostly lies throughout my life. People are ready to hear the truth, though it will frighten many. Each of us has a part of the truth resting in our hearts. We must share. We have a common enemy who seeks to keep us separated. The greatest fear of the enemy is that we will ever unify our resistance.

A BROTHER

"...AND IF THE SEASONS ARE GOING TO CHANGE, HOW WILL WE KNOW WHEN TO PLANT OUR CROPS?"

Can we all, just for a moment, bring our minds together as we gather here to share in some understanding and to know the feeling of peace that I hope will be here with us. It's been a long time since we have been able to come together with the kind of consciousness that would be able to serve humanity in a better way. The people here came to this place for some reason. I hope that our coming here serves to start something that won't stop, and that we see the need in our lives to come together to find a more peaceful and harmonious lifestyle. The message of my religious leaders takes very much time to go into, there are many prophesies and religious instructions.

Perhaps I can just remind you of some of the things that have been handed down in this ancient knowledge, and that it is being carried on as a responsibility in the way I have come here as a messenger to tell you that my religious leaders believe in all of you, they wish peace for all of you, and they hope that we can come together as brothers and sisters.

And that is our only intention – to try and spread this feeling of peace, and so that we won't have anymore of the things that we have come through in our lifetimes. We don't need any more, we don't need wars, don't need separation, don't need starvation. We don't need any of the things that are going on today. We should have reached the consciousness to see past these things.

We came into this life in a peaceful way. We were told that we could go on one road or the other – one road was the long good life of the Great Spirit, and the other road was a road that would lead us into darkness. We would experience many things, and as I've been travelling, I've been a witness to the inventions of technology. I have seen all of these really amazing inventions which seem to have been mishandled in some way, and it appears that we can take control of some of these things and use them in a better way. And not destroy the remaining part of the Creation, and not destroy ourselves.

The prophesy that was handed down to the religious leaders told us what would happen if we took the other road, and it told us of how the Circle of Life, which keeps us in harmony, would be broken. And as it was broken, we would experience visitors coming into our land, and that they would come across the land in a box drawn by horses, and later on it would run by itself.

And they said that many people would start to come across the land, and there would be many changes, many things that Man would start to invent. (They said) that a long line of boxes would be drawn across the land like a snake, and that people would be living in them. And that Man would start to build great roads across the landscape like rivers. My religious leaders were given the responsibility to try to warn the people about what this would cause.

But nobody would listen. So they kept on inventing things, and they said that we would experience three world–shaking events and they would be reminders to us. They would be warnings to us, to tell us that we were going in the wrong direction. And they said the first one would come from the man carrying the sign of the swastika, that he would come and shake the world and that would be the first warning to Mankind that we were going in the wrong direction.

Then, they said, other inventions would be made, and they marked time by the inventions. They said great planes would fly the roadways of the sky, and Man would talk to other men through the cobwebs of the sky, and that we could see and hear another man over the mountains through a box. But the inventions still continued to be made, so they said the man from the land of the rising sun could come and shake the world again, and that would be the second warning that we were going the wrong way, that we still had a chance to correct ourselves and to not take ourselves on this path of destruction.

After the men from the land of the rising sun came and shook the world, they said, Never allow a gourd of ashes to fall from the roadways in the sky, that will boil the rivers and burn the lands for many years to come and bring many new sicknesses into the land. When the United States government dropped the atomic bomb on Hiroshima and Nagasaki, my religious leaders realized we were taking ourselves into a very dark age, we were going into a very destructive path.

So they met for the first time in 1948 to compare the prophesies and the religious instructions, and it was the first time that such a meeting had been held. It was held at Second Mesa in Hopi land. As the religious leaders compared their knowledge, they saw that we would continue on, and continue to invent things and to destroy the earth. So they told of all the inventions that would come, and they said we would come into a new time. They said we would have visitors, they would almost be here overnight.

And the way to recognize them when they came would be that they were peaceful people. They would be going back to the ways of the Earth. They would be making their own food, they would be wearing long flowing hair and beads, they would be having the same kind of problems that the native people have and their name would sound something like Hopi.

They said that the native people would be pushed from the east to the west and when they pushed as far to the west as they could be pushed, then they would rise up there, and when they rise up they would be wearing long hair and they would be looking back to the spiritual leaders for guidance and strength in their spiritual beliefs.

In the middle Sixties, we had a brother by the name of Richard Oakes. He was a Mohawk man from New York, and he came across the land looking at all the native problems and doing what he could for his brothers and sisters. In San Francisco he led the occupation of Alcatraz Island, and in that same year there was a Washington fishing right struggle. There was a struggle at Pitt River, and there were many struggles that sprung up with the native peoples and the United States government.

They said that everybody at this time would have a change of consciousness and that these people that came with long flowing hair would bring many spiritual beliefs with them to this land and that it would be to rebuild a spiritual foundation, because everybody has forsaken the spiritual life for materialism and have filled themselves with so many material things that they have forgotten the ways of the spiritual life.

We saw these times coming and our prophesies keep telling us of the many changes that are facing us. They said that we would start to return to the ways of the Earth and that many people would be coming to ask us how to live on the Land again and how to fill our hearts with the spiritual things that have been missing.

The prophecies said there would be a bed of coals lying in the East, and the wind would keep blowing across it and they would glow red. But at one time the wind would blow across it and it would burst into flame, and as I look into the world today and see the many situations that exist all over the world that seem like a hot bed of coals that are waiting to burst into flames.... and I walk about in a civilization of people that profess intelligence and where all of the Land is being destroyed, I become concerned about what we were going to do.

The prophecies said, "Hopi, don't let them come and take what's underneath your houses, because if they come to take what is underneath your houses then they will be living in the last days, for they will be starting to dig at the heart of the Mother Earth." And in 1966, the Peabody Coal Company started to dig in the Black Mesa area in the Southwestern region of the United States. These strip mining operations are tearing down the religious shrines and desecrating the many sacred places that the religious leaders feel are necessary for the balance of the Western Hemisphere.

After the strip mining operations started in Hopi Land the religious leaders tried very hard to deliver the message to all the inhabitants of the Western Hemisphere. They said we do not have to do this, we do not have to live this way, that there are other ways. Our leaders were told in their instructions not to accept the modern conveniences, to live the way the Great Spirit had given them and so they are still living in the desert in that fashion. And the strip mining operations are getting very close to them.

They said there will come a time you will be sitting with your knees drawn up against your chest because they will have drawn lines in front of you and you won't have room to stretch out your legs. Somewhere around 1973 they passed what they call the Sam Steiger Bill and it was a law that divided Hopi land into allotments, and they sectioned off Hopi land and gave it to individual people who if they wanted to sell their land they could.

We became aware of these many things happening because the only way we had to mark time was by the inventions that modern man was going to make. The prophecies spoke of a new consciousness that was supposed to join us somewhere around this time.

So, when these operations started down there, things seemed to be beginning to threaten the existence of the Hopi people. It's very hard to imagine what it is like to be a dry farmer in the desert where you have no water or irrigation and your food source is growing corn, beans, and squash. And then some kind of modern development comes along and puts wells into the water tables in the desert that pump 1110 gallons of water a minute from the unrechargeable water tables in the desert....and the moisture level is going down in the desert, it's getting harder and harder for the crops to grow. The lives and religion of the Hopi is based on the corn.

The Hopi have four colors of corn: white, blue, yellow, and red. And they say that these corns are for the different four races of people of the world. It is necessary that these people carry out their ceremonies that they do, and without their corn they won't be able to carry on the religion, and without the religion, they will be unable to carry out their lives.

And without the Hopi we will all be lost, because even if you don't know the Hopi, they are doing things for us to be saved that are helping to maintain our balance in this life. Things that are absolutely for our existence, and I kind of always sympathize with them because they are experiencing all these things, but they don't even use electricity or running water, and they don't speak English. They have a message that they need to convey to people, and it becomes very difficult when they try to communicate. There are 225 million people who are living in this country, and we are less than one million strong. The prophecies said when two brothers build a ladder to the moon that this is going to create further unbalances and the seasons will start to change and the restlessness in the people will be getting to serious points. When they came back from the moon the first time and they brought the rocks back, they think from that time our lives began to change – that we began to experience more visitations from the forces of Nature, that they were growing stronger in their visits, and that the civil unrest throughout the world was getting to points of war. And when they went to mars at that time there were situations in South Africa that looked like it might bring about a war there.

It was uncalled for that we were doing these things to ourselves, and all these things were warnings to us and we still had a chance to change our directions. We could stop all these things if we would realize what the prophecies were for, what the prophecies were trying to tell us. They told us that we would come out of the darkness, and when we did we would be walking upon the Land like we had come from the past. That we would be looking like we had in our own time, and that we were our own people again. That we would be removed and we would come out into the Nation and deliver this message to all people.

I see the young native people. Many of them look like they came from two hundred years ago because they are starting to project their images as a people again and they are starting to rename their spiritual friends and they are starting to try to find their responsibilities. I'm hoping that at one point we will come to some kind of consciousness about the times that we are living in and realize that at this point there is a third new world coming that they call the underground, and that we are living in this land as a very prosperous people. But things seem to be turning around now, many of the cities are starting to decay, and the restlessness of the people is coming more and more....

They said that the last creation that man would be allowed was when a lot of men would go up into space in a platform. I see that by 1979 they will have space shuttles into space, and that they plan to take a lot of people into space at this time. The imbalance that this will cause could be very bad for us, and I just can't imagine there are starving people in this world, and that it would be necessary to explore space to establish things that will watch other countries because they are worried about somebody watching them and what they are doing.

I have been wondering, while I was here at this World Symposium on Humanity, that if we are here in the name of Humanity, are we going to do anything? Are we going to try to establish a starting point where we could conceive a New Age?

I become concerned because I've gone to a lot of meetings and this is the first time I've had the opportunity to speak to people on this level, because usually my religious leaders would try to come to such a gathering as this. But they came to Habitat Conference and tried to communicate with the U.N. and the people who had gathered at that time. I think they thought it wouldn't do much good to come back at this time and try to continue to deliver their message.

I took a chance and came here in the hopes that maybe we could communicate, maybe this New Age that people are talking about is just now beginning to start. And if you live in a New Age you must realize that the times we are living in are critical. The problems aren't new problems, they are old problems that are getting very old and they're starting to come upon us in a very fast way.

In the prophecies there are many things that are very hard to say to people because it's difficult to say things that haven't happened yet. But people can see that they are going to happen and I just thought that since there are religious leaders here, that this message would start to be communicated.

If the seasons are going to change, how will we know when to plant our crops? And if the restlessness is going to continue to grow, how are we going to establish the feelings of peace? If we continue to be separated, how are we ever going to feel unity?

I had the honor today of going with Rolling Thunder to visit Leonard Peltier in the prison. I myself didn't get to go in, but Rolling Thunder was able to go in and talk to him and to assure him that his people and other people who recognize his struggle are behind him and supporting him in his present situation. We have other people in the prisons that are there because they know not why. They struggle for the rights of their people, and they wanted to ask about the things that had been said but not done. They are now in prison and they won't be able to have visitors or they can't have their religious practices – these things are kept from them.

If I went to another land, I would respect their ways of religion, and I would do as they do in their land. I worry about the people that can't feel this feeling. I wonder what they're going to do when the time comes that they need something inside them that isn't there. How are they going to be?

We could all improve ourselves if we stopped destroying other life, stop putting ourself above other life forms, and started to live in harmony with things again. We will never be superior over anything, not successfully, because it's not in God's plan, and if it's not in God's plan, it can't work.

I don't know what we are going to do as we are gathered here today, besides exchange words. I wish we could exchange some kind of action. It seems to me that a circle is broken, and we started to go wrong. But now we are coming to where we can hook it back up again, and are meeting where we left off a long time ago. (It seems to me) that we're going to have a chance to put our minds together and find a new way. But we must do it soon. We must have more than just meetings and we must start to reach out.

In the prophecies, it is said that we will join hands with all the people in the world; then we will all stand up together, and I think that they are talking about an effort to have unity in the world once again. But we should be starting soon because I fear it's getting late, because if we continue to destroy the land we won't have anything left, we'll have nothing. We are taking it all

"...AND IF THE SEASONS ARE GOING TO CHANGE, HOW WILL WE KNOW WHAT TIME WE ARE LIVING IN?"

To Live The...

Old Ways...

Notes:

I hope this article is not too late for the spring issue; Louie Bad Wound said he thought not. You asked us for something on Camp Lakota, and this is what has emerged. We have not been able to travel with White Roots of Peace through S.D., partly because of pressing family problems and partly because we must get the camp program going, which means hauling logs, getting permits from Pine Ridge, etc. etc. Also, roads are impassible here due to mud.

Mending the Hoop,

Seeking the Vision

"Hear the news about Aaron? He's dead. CAr accident. Two this morning. Took four horses with him." Uncle Sylvester, straw cowboy hat on his head, had hiked into the camp through blizzard snowdrifts to tell us. We were stranded in melting snow and mud, busy digging out the tractor.

Aaron Black Crow, 23, young Oglala Sioux, my new nephew-in-law, just married, just got a job at the College Center in Wanblee, two little kids. Two weeks ago we had all been stranded together at the camp during the Big 77 Blizzard, and I had gotten to know them. Since the camp has no electricity or water pump, we were well-prepared – kerosene, wood, snow-water, food, dried milk. During the long nights we talked about the camp, made plans. Aaron and his wife wanted to move out from town and the drunks and fighting and shooting, build a log cabin on the land, and live a peaceful life. Aaron was ready anytime to haul logs from the Black Hills, logs given to us as part of the old treaty reparations. Aaron didn't go into the sweat lodge with us – next time, he said – but he carried the rocks and kept the door.

Now at the wake, I'm learning to make fry bread and wozapi, (chokecherry pudding) and fold sandwiches in napkins for the midnight feast. I've lived in Wanblee less than a month and been to three funerals – all young male Sioux under 30. Each different, yet all familiar: heart attack, gunned down by a White man, car accident. Death on the reservation; we've heard it all before, the statistics, but now that I'm in the midst of the dying, I know the truth that every man's death diminishes me. I am diminished by these young warriors gone, and feel even more strongly that it must stop – we must stop it. The dream of our camp becomes even more urgent: Camp Lakota, Selo Black Crow's dream from a vision quest (hamblechia) three years ago.

The hamblechia dream: Camp Lakota, a sanctuary, a refuge, holy place for Lakota Sioux traditional ways. Sundance ground. Vision pits used for a hundred years. Sweat lodge purification ceremony. Buffalo herd – not for cattleman's profit, but for sacred purposes. The land left unplowed, Mother Earth left alone. Place honoring the old ways, where old crafts and language will survive. A camp for children of alcoholic parents – an alternative to disorder and violence. A beautiful vision – one worth living and working for.

Making the dream reality needs more than money, planning and hands. It needs wise thinking as well. It would be quite easy to get a subsidy or grant and electrify the land, run the sacred sundance pow-wow style, become a 9-5 program, White man's way. After all, the BIA is offering us an aluminum home complete with hot running water and color TV....

How do we keep the old ways and the old values alive? Progress brings both traditional Sioux songs and the Beatles, videotapes of the Second Treaty Conference and Hollywood cowboy-and-Indian movies.

Meanwhile, what life awaits the widows and many children of the dead warriors? Who among the young will take a sweat or seek a vision, not mock or laugh?

The only excitement is the ambulance. But out on the land the hoot owls and hawks are nesting, the creek is flooded with spring snows, the sundance grass shoots up pale green, and the sun rises and sets in beauty, full circle.

Black Elk said the sacred hoop was broken. Can we ever mend it? yet can we do anything else but rejoin the sacred hoop of Mother Earth, the cycle of day and night, death and rebirth, that remains eternal?

We welcome visitors and helpers, ideas and contributions. Hamblechia, or vision quests during May/June. Sacred Lakota Sundance, August 11 - 14. Ongoing: sweat lodge purification ceremony, other sacred Lakota ceremonies, teaching of traditional Lakota culture and language. Ongoing projects: buffalo fence, log cabins, recreation lodge, garden, windmill, sundance ground preparation, etc.

If you share our vision, come.

Camp Lakota
Selo and Dorothy Black Crow
Box 343
Wanblee, S.D. 57577

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away very fast. And if the seasons are going to change, how will we ever know what time we're living in?

If ever you can, as you are walking on this Creation, realize that there are things that we've never seen in our lives that have gone before us, and that the remaining things that are here are our relations – and they are necessary for our survival – and that there is something that you can do to help these things on their way. Bring back a feeling that we are not here to destroy, but here we are come back to get into communication with these forces again.

And if you can put out a feeling, just put out a good feeling for them...wish them well in their lives, for other things. The waters, the plants, the trees, for all of the things we just think are there for our use. I hope that there is still time enough for us to save the water and the rest of the things that are here because everybody talks about it, everybody makes bumper stickers about it and everybody does a lot of things, having meetings and doing those kind of things, and I just wonder if there is a way that we can step it up a bit.

To begin to take on some kind of new action to realize that this is all we have left and that without it, we're nowhere – we will have ended the existence of our species – and the Creation will go on without us...because we are not as necessary as we think to the function of the Creation.

So if we can open up our minds a little bit, if we can start to realize the situations that we must be existing in, I think it would be better for us, and I think that it would bring us something, something that we need, something that we must have. The religious instructions say that we really have to come back to the basic religious principles – just a little respect - just a little harmony, some love, some peace, some unity. And some understanding. With those things, if we can start to really put them in our heart, and not just think that they are there, then I think that we will have done something. I think that we will have started coming back down to the real world, the true way of life.

It is so very very difficult to explain that if we get into further situations, that if we go much further, that there are other supreme powers that have been appointed by the Great Spirit to righten the wrongs and we still have the chance to change them. But if these supreme powers have to come in and do it for us, it says, don't be sitting on your rooftops when they come, because it is going to be very bad for everybody.

And if enough of us come together, then we can see our way back to the path that God had laid out for us to follow, and we will do everything that we can do to be brothers and sisters again. (We will) no longer recognize the separations that have been put between us. I wish we could take them away this very minute, and even if we didn't keep them away, just to see what it would feel like. Just to know how it would be, to be together, to be unified, just for that moment, just to know how it would be.

We must realize how very much we've changed – how many things went away from us before we ever knew about them by living in a different environment, by eating foreign foods, by putting alien substances into our bodies and by always having our minds in a confused state. No wonder the universe is running off course.

I wish we could all meet someplace on the hilltop and just for once gather together and put good feelings into the universe, and not be confused and not be troubled, but know that we were there to try to brighten the course of the universe, that we are trying to bring it back another way.

I feel we must try to do this (to share a spiritual experience as human beings) because if we don't I fear for us. I feel the many things that are resting above us and that are waiting for us to react in a positive way, but if we fail to react they say the oceans might join hands and the sky of this great Turtle Island might turn over two or maybe three times, and our land and life might come to an end.

In the beginning of our time, we were given the power of decision and we still have the power to make our own decisions. And that we need to stop following isntructions that aren't good for us. And we need to look in another way if we feel that the ways we've been living aren't good for us. We have the opportunity to find a new way, and I hope we will.

The message that my religious leaders are trying to convey is one that would lead us back to peace and understanding. It is not meant as a negative thing. If we don't want to think it is true, we need only to walk out the door, we need only look into the sky, or we need only to breathe the air, or eat the poison food, until the thought will come back to remind us that the message of my religious leaders is the truth.

And that we can do what it says, we can come together, we can make the New Age a reality. But we must forget all of these personal ways, all of these things that have served to go against us. We must see beyond that now, we've experienced it enough now, we need to go on to somethingmore. So if you can, please come to this feeling. It is going to be very necessary.

Life In The Occupied Zone*

* This article was adapted from the book AIRLIFT TO WOUNDED KNEE published by Swallow Press, Chicago, Illinois. AIRLIFT is available through the AKWESASNE NOTES bookstore.

A Tale Of The Government's Attempt To Starve Out Wounded Knee, *and some things they didn't know they were fighting.*

By Bill Zimmerman

"We did not think of the great open plains, the beautiful rolling hills, and winding streams with tangled growth, as 'wild.' Only to the white man was nature a 'wilderness' and only to him was the land 'infested' with 'wild' animals and 'savage' people. To us it was tame. Earth was bountiful and we were surrounded with the blessings of the Great Mystery. Not until the hairy man from the east came and with brutal frenzy heaped injustices upon us and the families we loved was it 'wild' for us. When the very animals of the forest began fleeing from his approach, then it was that for us the 'Wild West' began."

—Luther Standing Bear, Chief, Oglala Sioux, 1933

The government's cynical manipulation during the siege of Wounded Knee, and the multilayered public confusion it provoked, stood in stark contrast to the scene inside the village. There, despite clumsiness and frequent mistakes, people tried to recapture a traditional Indian purity and clarity of purpose. Even enemies who came in contact with the Sioux culture which was being revived by the insurgents spoke up for their seriousness, while people farther from the scene insisted it was all theatrics or made tasteless jokes about Indian "mumbo-jumbo." Kent Frizzell, the government negotiator, spoke of one ritual that he witnessed.

"Frankly," he said, "I was very impressed with, for example, the Peace Pipe ceremony at the signing of the negotiated settlement. It was very solemn. It gave the opportunity for expressions of good faith. It seemed very meaningful to me and I couldn't help being taken into its mood. There certainly was nothing cynical about it."

The Sacred Pipe ceremonies were conducted with pipes, medicine bags, and various other accoutrements handed down directly from the medicine men of the 19th century. But these pipe rituals were embeded in a much broader fabric of Sioux religion and culture practices at Wounded Knee. (Since the Sioux made no functional or philosophical distinction between religion and culture, the two words can be used interchangeably. The idea that one's day-to-day material life, or culture, was separate from one's spiritual existence, or religion, was a distinction the Indians had to "learn" from white men.)

Under the guidance of spiritual leaders, or medicine men, people in Wounded Knee taught each other a host

"Nearly everyone was armed or within easy reach of a weapon, but there was no fear, and leaders could walk among their people in safety."

of dances, songs, chants, and drum beats, most of which possessed specific ritual significance. They made and wore traditional clothing decorated with symbols that many learned the meaning of for the first time.

Like the architecture of the Christian cathedrals of Europe, the design of the sacred tipi, the number of poles used, the direction it faced, and so forth were also guided by tradition. Wounded Knee revived the old custom of the sweat lodge, a small hut containing hot stones over which water is poured to produce steam. Medicine men accompanied small groups of people inside the sweat lodge and led them in prayers and cleansing rituals intended to renew their spiritual and physical strength. Sweat lodges had been outlawed on the reservation since the 19th century because the BIA officials thought they were dangerous. Many city--dwelling Indians, born and raised in urban ghettos, came to help the Oglalas at Wounded Knee, having completely lost any knowledge of these practices. For them, participating in the occupation was an experience of profound reawakening. Instead of the shame that many had once felt about their Indianness, there was suddenly a past and a people they were proud to be part of.

Two men were primarily responsible for the cultural renaissance at Wounded Knee, Wallace Black Elk and Leonard Crow Dog, Sioux medicine men. Black Elk is an Oglala Sioux; Crow Dog is a Brule Sioux. Black Elk grew up on the Pine Ridge Reservation. From early childhood he was guided and rigorously trained by his medicine man grandfather, the original Black Elk. The grandfather was an eyewitness to Custer's defeat at the battle of the Little Big Horn, as well as to the tragic aftermath of the massacre at Wounded Knee. In the 1930s, as an old man, Black Elk told the story of his life and his visions to a white friend who transcribed his words and created the remarkable book, Black Elk Speaks. Surrounded by the power and patient wisdom of this old man, and through him in direct contact with the 19th century, Wallace matured and assumed the responsibility of a medicine man in his own right. Like others of his calling, he understood that the simple preservation of the Sioux customs and heritage was one of his major tasks.

Leonard Crow Dog was raised on the Rosebud Reservation adjacent to the Pine Ridge Reservation. He, too, had a famous ancestor, but of a very different sort. His great-grandfather, the original Crow Dog, was an assassin. In 1881, for unknown reasons, Crow Dog shot and killed the renowned, peace-loving Brule chief, Spotted Tail. As punishment, Crow Dog and his descendants for all time were barred from ever using a gun. It does not sound like a very harsh penalty today, but in 1881, with hunting the traditional source of food and war with the whites raging on and off for some 15 years, the sentence was severe indeed.

Leonard grew up in the midst of unspeakable poverty. Church missionaries and BIA authorities forced his parents out of a small reservation town back to the family plot in the countryside because his father belonged to "a sinful Indian religious sect." The "sect" was merely what remained of the original Sioux religion. For centuries Sioux tribes had practiced it on that very land. But with the coming of the whites, several decades before, ageless traditions acquired the new status of "sect". Out on the land, the Crow Dog family was without a source of livelihood. It was grazing land, buffalo country, treeless but not suitable for agriculture. There was no money to purchase animals, so they lived without electricity, good water, heat - and often without food. One of Leonard's brothers froze to death at the age of two. Severe hardship was commonplace, and others in his family died while still children.

Leonard Crow Dog's father refused to allow him to attend white-controlled schools. He wanted his son to follow the path of the medicine men, and he feared that school would so twist the boy's mind that Indian ways would be lost to him. Today Leonard is unable to read. But he is a medicine man, and ironically, for the past several years, he has been compiling a dictionary of the Sioux language, Lakota. He believes that the preservation of the Lakota language is essential to the survival of Sioux culture. Crow Dog still lives on the Rosebud Reservation, but travels widely lecturing and teaching. He is spiritual advisor to the American Indian Movement, for whom the preservation of culture is a major objective.

Before Wounded Knee, Crow Dog was with AIM at the 1972 take-over of the BIA Building in Washington. There, he worked as a mediator trying to avoid violence between AIM and the government. As an individual, Crow Dog maintains a persistent nonviolence. He recognizes that there are times when people must fight to defend their freedom, but he personally avoids the use of force. The traditional culture of the Sioux and the shadow of his great-grandfather's crime remain very much alive for him. He has said on a number of occasions, "I am Crow Dog and I may not handle a gun."

More than any others, but with the help of many, Black Elk and Crow Dog passed the old ways on to the people of Wounded Knee. For the first time in almost 100 years, a place existed where the Sioux could practice their religion and be entirely secure from white interference. The old mythology was experienced anew. It contains a systematic view of the world that many discovered was still useful in the regulation of their own lives. For example, the customs by which their grandparents were able to harmonize themselves so well with the natural world were based on notions of ecological balance painfully absent from 20th century America.

Like the Judeo-Christian tradition, the Sioux mythology included a spiritual Father. In churches He was called God, and in tipis the Great Spirit. But the Sioux also believed in a spiritual Mother, the Earth, more immediate and real than the extra-physical Father. The belief that the Earth was their Mother inclined them to live with nature, not conquer it. They came to see nonhuman forms of life mothered by the Earth as their relatives, including "all the green things that grow, and all the four-leggeds, and all the wings of the air, and all of those that crawl on their bellies in the grass, and all of the finned creatures of the lakes and streams." Relatives are viewed with respect rather than hostility. They can even be a source of instruction.

For instance, the Sioux believed that their "cousin" the cottonwood tree taught them how to regulate their societies during the four seasons of the year. In the autumn, the leaves fall from the tree covering the Mother, Earth, returning to her what she earlier gave to the tree. It is a time to be with one's family, to provide for their protection and nourishment. The winter, when the leaves are gone, is a time to rest and gather strength. It is also a time to tell stories to the young so that they will grow up knowing who they are. In the spring, the tree blossoms. It is a time to go forth into the world and begin new projects. The summer, when the healthy tree is in full bloom, is the peak of existence and the time to enjoy life to its fullest.

Obviously, these are attitudes that lead people to live in harmony with the world as it is, not devote themselves to changing it. In emphasizing their own interdependence with the rest of nature, the Sioux reduced their very human tendencies to feel superior to nonhuman forms of life. Unlike Western civilization, the Sioux Nation did not use the unique powers of reason and language as an indication that the rest of creation had evolved solely for their benefit and use. Thus, they neither manipulated nor exploited nature; and not feeling superior to it, they were free to accept a certain degree of weakness with respect to the natural order, on both a cultural and psychological level. Accepting the inevitability of this weakness inclined the Sioux to seek direction from the natural world, not try to dictate to it as the white Europeans did.

The world view of the Sioux led to the creation of a society very different from that of the whites. There were no churches because religion was part of ordinary life and was practiced everywhere and at all times. There were no missionaries because each tribe and nation, like each animal species, had its own place in the world, and its peculiar way of doing things was respected. There were no orphanages or old age homes. The thought of children or elders being segregated from their kinship groups was repugnant to the Sioux. There were no prisons. Deviants either changed and adapted their behavior to the group, or they were banished. There were no explorers because there was no word in the Lakota language for "wilderness."

Since religious missionaries, orphanages, old age homes, prisons, and exploration were among the institutions that caused the most trouble in white society, people at Wounded Knee were not quick to dismiss the old Sioux culture as out of date. On the contrary, it seemed to offer them a useful alternative perspective on the chaos of the modern world. This was especially so with respect to white society's most significant departure from Sioux tradition – leaders most frequently come from among the rich, or they quickly become rich as a result of their leadership positions. To the old Sioux, leadership was a personal sacrifice. People were free to stop following a leader at any moment. With an arrangement of such pure democracy, only leaders who genuinely sacrificed their time and wealth for the benefit of the tribe were able to retain their positions. The Sioux believed that when wealth determines who leads, and leadership is a means of increasing personal wealth, there can be no meaningful democracy.

Many people in Wounded Knee understood the wisdom of the old ways for the first time in their lives. Suddenly, the great achievements of the Sioux Nation were clearly visible, not just the shortcomings white culture had focused so much attention on for so long. For some people, the realization was almost startling. And the distance back to those achievements was not very great. Black Elk's grandson was in Wounded Knee. So was the great-grandson of Red Cloud, and the granddaughter of Sitting Bull. But beside the famous ancestors, every Sioux in Wounded Knee had grandparents, or great-grandparents, or at the most great--great-grandparents, who had helped to defeat the Bluecoats in the war for the Powder River country, or had fled from them when the Black Hills were stolen, or had been killed by them at the Wounded Knee Creek. Two to four generations back is not far to look for a lost heritage.

The old chiefs, the headmen, and the elder men and women of the tribe helped the medicine men pass this heritage on to people less familiar with it. The medicine men did other work as well. They practiced medicine in Wounded Knee. Relying on ritual and a selection of herbs with antibiotic and anesthetic properties, the medicine men worked alongside conventional doctors and medics. The latter, most of whom were volunteers from free neighborhood clinics around the country, had to illegally infiltrate government lines to get into Wounded Knee.

The government made sure they all had plenty of patients. Federal officers brought about a chronic and serious food shortage which led to malnutrition and a generalized susceptibility to contagious ailments such as bronchitis and pneumonia. At one point, they, or the goon squad, cut off the water supply, depriving the people in Wounded knee of proper sanitation facilities and forcing the use of contaminated water, thus increasing the likelihood of typhoid and other water- - borne diseases. Government bullets were also a significant health hazard. Over a dozen were removed from people's bodies by the medicine men alone. Crow Dog successfully extracted a federal slug from someone's midsection. One of the white M.D.s who worked in Wounded Knee, a pediatrician, said, "At first I thought the spiritual things were a lot of hogwash, but I changed my mind." He added that he would "consider it an honor to study with Leonard Crow Dog."

Some people suffered through grave personal and collective tragedy during the occupation of Wounded Knee. Many endured bitter disappointment. But almost everyone who spent more than a few days there came away with a certain pride and a sense of satisfaction. They had created their own community, a community of resistance, and it had sustained them for a longer period and in more ways than any of them had thought possible.

"I think the best thing that happened in Wounded Knee," Dennis Banks recalled with obvious gratification, "was that there was an immediate response from individual members of tribes all across the country. They came to Wounded Knee to help us. At one time there we had 65 various tribes represented. People from 64 different tribes came to help the Oglalas.

"Every night," Dennis continued, "we would have a

"In emphasizing their interdependence with the rest of nature, the Sioux reduced their very human tendencies to feel superior to non-human forms of life."

meeting to explain what was going on with the government, what they were doing, and what we were doing. There was a good feeling amongst those people that came there – no one was a Chippewa, no one was an Oglala, no one was an Osage, no one was this or that. We were all Indian people there, and we were held together by three or four medicine men.

"Every night they held spiritual gatherings where we could learn more about our real culture and history, and where we could try and calm ourselves and gather the strength that we needed to go on. We'd smoke the pipe, and we built a sweat lodge there.

Crow Dog and Black Elk, in my opinion, were probably the greatest force at Wounded Knee, on the spiritual side. These were two men who I believe did the most to hold us together. That was a good feeling there, to sit down with members of different tribes and smoke the pipe and remind ourselves that we were all brothers and sisters."

Life in occupied Wounded Knee could never be described as normal. Yet, a certain regularity emerged as the structure of the community took shape. But despite the tracer bullets, the armored personnel carriers (APCs), and the shooting, this regularity was not a function of the private dwelling units and uneven distribution of wealth found in ordinary American towns. "Downtown" Wounded Knee, where the four roads came together, consisted of about 15 buildings. The old Trading post was cleaned out and became the new community meeting and cultural center. The old tourist museum was converted into the new security and defense office. The best house in town became the busy medical clinic.

Two hundred yards east of downtown, up the Denby road, two church buildings and a minister's home were used to house the 75 people in charge of defending that side of the perimeter. Two hundred yards north, up the side of a small hill, the Sacred Heart Catholic Church was turned into housing for people working in that area. Its relatively large basement was used as a community kitchen. So it went around the settlement. The sharing of the buildings made it easier to share everything else: the food, the trouble, the joy, and the work.

Most remarkable, perhaps, was the sharing of the work. There was physical work, like digging bunkers or fortifying the buildings with 16-inch walls made from planks and two-by-fours with a fill-in of dirt. There was clerical work, like mimeographing news bulletins or first aid instruction sheets. There was technical work, like setting up the complex network of radio transmitters and receivers. There was kitchen work, hospital work, hauling work, child care work, everything. And it all got done on a voluntary basis. People did what they felt they were good at and what they thought was necessary and important. In most cases, having freely taken on the job, they performed it with enthusiasm, understanding why they were doing it, and anxious to do it well.

During the 71 days of the occupation, more than a thousand Indian people passed through Wounded Knee with 300–400 there at any one time. Community services were often disorganized and inefficient. Nevertheless, food was prepared, children were cared for (one was even born), mail was delivered, major political decisions were made democratically, a proper defense was organized, health care, both western and Indian, was provided.

More than that, there was a paradoxical feeling of safety and security. The dangers faced in Wounded Knee were clearer and more tangible than the dangers most Indians face in the course of their normal lives. Yet, in some respects, the anxiety and confusion in a fight against armed men was less than what resulted from more subtle enemies, like racial discrimination, unemployment, and cultural ridicule. At least the attackers could be pinpointed, and a method existed for dealing with them. At times on an Indian reservation people feel like they have so many problems it is not possible to find the cause of any one of them. The desperate, terrifying hopelessness that results was never a part of life at Wounded Knee. When the bullets weren't flying, people were relaxed and happy. For over two months, there was virtually no personal aggression or theft, no problems with alcohol or drugs. A baby was born, a couple was married, and two men were buried in the Indian way. Nearly everyone was armed or within easy reach of a weapon, but there was no fear, and leaders could walk among their people in safety.

All this was accomplished by a very diverse group of Indians. They came from all over the country, some from cities, others from reservations, some for a weekend, and others for as long as it took. There were full-time political activists from AIM and people who had never participated in a political event in their lives. A majority were residents of the Pine Ridge Reservation who had become involved through the struggle to unseat Dick Wilson. Some had their permanent homes in Wounded Knee.

On March 8, with the government's ultimatum scheduled to expire at sundown, the permanent residents of Wounded Knee had to decide whether to evacuate their homes as the government wished or remain behind and side with the occupation. For the most part, these people had not played a part in the anti-Wilson events leading up to the occupation. Yet, only two complete families, plus four mothers and 38 children, departed. Over 150 people stayed and were promptly integrated into the occupying forces.

On March 11, three days after the unsuccessful government ultimatum, an FBI agent was shot in the wrist. Riding in an unmarked government car, he fired on an Indian van trying to get into Wounded Knee. Indians in the van returned the fire, hitting the FBI agent in the wrist of his shooting arm as he leaned out of the car window to take another shot at them. It was far from the first injury in the battle, or the worst, but it was the first time anyone on the federal side had been hit. The next day, March 12, the outraged chief U.S. marshall, commanding government forces at Wounded Knee, announced that the U.S. would create a "tighter perimeter" and "starve out" the occupation.

"I'm sure as hell planning on changing their life style," he added. "If that means starving, if it means being cold, not being able to read the evening newspaper, not being able to watch television, it means not being able to make telephone calls, it means not being able to get soap to wash your clothes with." Many Indians said they weren't sure if he was talking about ordinary life on the reservation or if he planned to institute some significant change.

The next day Wilson got his resolution through the Tribal Council and the National Council of Churches personnel were banned from the reservation. The order did not take effect until March 16, when Stanley Lyman, the white reservation superintendent, formally signed it. But after the FBI agent's injury on the 11th,the NCC was prevented from bringing any more food into Wounded knee. On March 14, Dennis Banks told reporters, "I'd say food will last three days. Each person will have one meal a day. The blizzard and the conditions it's causing will make us more determined to fight it out. We're used to this. That's why we think we'll win."

It was at this point that the nightly backpack trains were organized. It was an ambitious project, an underground railway for food and ammunition kept secret from both the government and the goon squad. Supplies were being driven to Rapid City by supporters from all over the country. This material was then taken on back roads to safe drop-off points, usually ten to fifteen miles from Wounded Knee. These safe points were homes and utility buildings in very isolated locations on the reservation. They belonged to people quietly in support of the occupation, of which there were many. The delivery to the drop-off points was often timed to rendezvous with the separate arrival of a group of volunteers ready to carry the supplies the rest of the way to Wounded Knee on their backs.

The low rolling hills in the vicinity of Wounded Knee are crisscrossed by deeply eroded ravines and gullies. Indians from the reservation who knew the area and could follow the land in the moonlight, or find their way by homing in on a distant light guided the volunteer backpackers through government lines. Each person carried a 40-pound backpack over a distance of ten to fifteen miles, sometimes through snow or rain. When the backpackers passed close to government bunkers and APCs, they often had to walk in their socks over frozen ground or crawl on their stomachs avoiding dog patrols or high intensity lights.

Now and then a backpack train spent too much time evading capture and was unable to complete the long trek before sunrise. There was no alternative but to spend the entire day in a secluded canyon and continue after dark. Occasionally, as a backpack train drew close, Wounded Knee bunkers would fire a few shots at government roadblocks in order to draw massive return fire. While federal attention was diverted in this way, the backpackers could walk through the deep ravines and into Wounded Knee.

On many nights the uncomfortable marshals and FBI agents stayed inside their bunkers and APCs to keep warm. When they did go out on patrol, they frequently built campfires, destroying their night vision. Nevertheless, they made many attempts to ambush the backpackers and eventually had some success. Food trains were captured on the trail and arrested. The charge was usually "interference with federal officers in the lawful performance of their duty," a federal felony punishable by a maximum of five years in prison and $10,000 fine. However, when large groups of backpackers moved with an armed escort, they were able to get through without firing a shot. Government officers, understandably, given their mission, were not prepared to risk their lives unless they had a clear advantage.

These backpack trains kept Wounded Knee alive for over a month. They often required acts of bravery quite uncommon in the lives of the men and women who participated. The courageous volunteers were mostly Indians from the Pine Ridge Reservation, but there were also numerous off-reservation Indians, political activists, college students, pacifists, revolutionaries, and others who spontaneously appeared wanting to help and were asked to carry in supplies. Their appearance no doubt suggested a communist conspiracy to the more naive and paranoid on the political right. But, in fact, no orders had been given. The people who came shared a common understanding of what had to be done, and they came to do it. It was a coordination far more powerful than a mere conspiracy.

With hundreds of armed men, mobile equipment, and sophisticated technology, the government was only barely able to stop the flow of supplies. It required almost a month just to find the main trail being used by the backpackers. There was too much land and too many people willing to help the insurgents for federal officers to successfully isolate Wounded Knee. Government inability to maintain control was evident in other ways as well. The leadership from Wounded Knee was able to move secretly across the entire Pine Ridge Reservation in order to develop support for the occupation. They visited towns many miles away and even called public meetings sometimes attended by hundreds of Indian people.

The insurgents in Wounded Knee functioned much like a guerrilla movement. Widespread support, ranging from direct participation to simply looking the other way at the right moment, was available from a broad cross-section of the reservation's inhabitants. Indeed, if that were not the case, Wounded Knee would have quickly collapsed. But when widespread popular support is present, tremendous odds can be overcome. This profound lesson of the Vietnamese resistance was not lost on the people at Wounded Knee. Many referred to their own overland supply route as the "HO Chi Minh Trail." Only this time, they said, Washington didn't waste any time trying to win the hearts and minds of the people.

When news first appeared in the press about government attempts to starve the Indians out of Wounded Knee, people across the nation began spontaneously gathering food and medicine to send there. These efforts took place on the reservations and in the big cities. The severe felony charges brought against those arrested during the early days of the backpack trains were intended both as punishment and as a means of discouraging others from helping in the same way. But

the intimidation had little effect. As a result, the government escalated the scope of its blockade in an offensive that spread across the entire country.

The anti-Indian offensive was launched by the FBI in Los Angeles. There a group of Indian and white physicians, helped by other concerned citizens, collected food and medicine to be sent to Wounded Knee. Their effort was entirely open, even to the point of being publicized on local television. Three cars containing thirteen Indians and three whites left Los Angeles to bring the collected supplies to representatives of the National Council of Churches in Denver who hoped to forward the goods to Wounded Knee. As they left Los Angeles, the three cars were followed by the FBI in five. As the parade of vehicles approached Nevada some hours later, the FBI tail grew to more than 50 agents in 29 automobiles.

Immediately after crossing the Nevada border, the supply cars were forced to the side of the road by the armada of FBI vehicles. The 16 people inside were promptly arrested and charged with crossing state lines with the intent to incite or participate in a riot, the infamous Rap Brown Act. One car managed to stop just short of the state line. Its occupants were "escorted" to the other side and then arrested. TV news that night showed the 16 being led off—in chains. But the overkill tactics lost more public support for the government. Even Sammy Davis, Jr. was outraged at their conduct. After being repeatedly photographed during the preceding pre-election months locked in physical embrace with President Nixon, Davis took time off from a very lucrative engagement in nearby Las Vegas to put up some of the money necessary to get the culprits out on bail.

Medicines and food in the three cars were impounded by the FBI. A local grand jury returned federal indictments against 13 of the 16 people arrested. They were all Indians. The Justice Department apparently dropped charges against the remaining three, who were all white. The day after the dramatic arrests on the Nevada state line, an Interior Department spokesman in Pine Ridge, South Dakota, announced that the bust was a part of a nationwide sweep. Federal authorities across the country were told to stop all people going to Wounded Knee.

No one explained why an announcement that presumably pertained to law enforcement came from the Department of the Interior rather than the Department of Justice. But the announcement was accurate. In the following weeks a national campaign was directed against people "allegedly" bringing food to Wounded Knee. The FBI made arrests as far away as Oregon, New York, Illinois, and many other places. The charge was the same, crossing state lines with the intent to incite or participate in a riot.

In heated courtroom battles, defense lawyers questioned the validity of these arrests, as well as those of the backpackers on the reservation. They argued that the Rap Brown law was itself unconstitutional. They denied that the government had a right to starve anyone for any reason, with or without due process of law. Starvation, they claimed, was a violation of the right to life, guaranteed next to liberty and the pursuit of happiness. Furthermore, the Justice Department was accused of applying the law in a prejudicial fashion. Earlier, they had encouraged the National Council of Churches to bring food into Wounded Knee, and then later they arrested private citizens for doing the same thing but without a Justice Department invitation.

On March 25, Judge Andrew Bogue issued the temporary restraining order that prevented federal officers from blocking daily shipments of food into Wounded Knee. It was the next day, before the first shipment could be delivered that goon squad roadblocks took over the food blockade with the tacit approval of nearby marshals and FBI agents. A day later, on March 27, Bogue rescinded his own order, thus alleviating at least one source of conflict between Tribal Chairman Dick Wilson and the federal government. The overall result was no additional food for the besieged Oglalas. Severe rationing was instituted as the backpackers continued to be the only source of supplies.

The food problem in Wounded Knee was aggravated by the inability to stockpile more than a single day's supply. If the backpackers were cut off one night, the next day the people went hungry. The uncertainty was almost as hard to live with as the hunger. Shortages of all kinds became the rule, and three meals a day was only a memory.

Gladys Bissonette supervised one of the kitchens in Wounded Knee when she wasn't occupied as a negotiator. Recalling some of the hungrier times, she said, "Sometimes I stayed up all night and helped folks cook, especially when it got to where there wasn't any food. Then I stayed up and tried different recipes, which I wished I had taken down.

"Like there was this popcorn seasoning there, a big box of it. It's real orange color and it's got a buttery, salty taste, It's some kind of formula, but I'm telling you, that made the best whipped potatoes we had there. You didn't have to add salt or butter to them, which a lot of times we didn't have. But we did have these instant potatoes and we'd whip them up with that popcorn seasoning.

We also had powdered milk, this instant milk that they give out for commodities. That was the handiest stuff because there were all kinds of spices in that old cupboard in there and I always managed to make potato soup out of this powdered milk and those instant potatoes. And that came in handy during the real cold nights, when we didn't have anything else to eat. I didn't know what a real potato looked like all that time. Otherwise, during the day, we cooked beans, beans that didn't have anything in them. So we used that same popcorn seasoning in the beans to flavor them a little."

On March 31, the negotiations that led to the abortive April 5 agreement began inside the sacred tipi in the DMZ. The Tribal Council roadblocks were still in place, but Kent Frizzell, government negotiator at that time, spoke as though the Justice Department had some influence over the food blockade after all. Frizzell offered to set up a dining tent near one of the forward federal roadblocks. But he insisted that anyone who came to it would have to submit to search and arrest if there was an outstanding warrant for them. The negotiators from Wounded Knee scornfully admitted that they weren't that hungry.

During the negotiating period, Frizzell refused to allow anything but milk and baby food through the federal roadblocks. Speaking not only of the 75 or so warriors but all 350 men, women, and children inside the Wounded Knee defense perimeter, Frizzell, the highest ranking public official on the scene said, "To my knowledge, the U.S. government has never given food to the enemy to sustain them." The enemy, indeed!

Another week passed as negotiations dragged on. The backpackers continued to be the only source of food. Then, after the signing of the short-lived agreement on April 5, the roadblocks were open long enough for a few dozen cases of food to be trucked into Wounded Knee. Before more could be delivered, the agreement broke down and the Ho Chi Minh Trail once more became the only available route of supply.

Conditions worsened considerably during the second week in April. Fire fights were down to a minimum, but federal officers relied more and more on isolation and starvation as their primary weapons. Government lines around Wounded Knee tightened. Dogs were brought in. And the backpackers, the real heroes of the day, had an increasingly difficult time getting through. Medical teams who had also slipped inside the settlement sent out ominous reports that the first signs of malnutrition had appeared in the children. Certain of the damage was described as possible "irreversible."

Inadequate diet was not the only health problem. Medical workers reported that contaminated water and poor sanitation had caused an outbreak of diarrhea. With their water cut off from the outside, Wounded Knee was threatened by typhoid fever and hepatitis. By early April, there were over 100 people with influenza or bronchitis. Many others had pneumonia.

Government forces gradually discovered sections of the various trails being used by the backpackers. The number making it through each night began to dwindle. Once federal officers learned parts of a trail, they moved their APCs into position to block it. Then, from inside the tank-like vehicles, the marshals and FBI agents were more than willing to exchange gunfire with the backpackers and their armed escorts. Officers hoped that the shooting would also discourage other people from trying to hike in. It did. So did the misleading talk by government press spokesmen about an imminent negotiated settlement. New backpackers were less willing to risk being shot at when they were under the false impression that the occupation was going to end at any moment.

By mid—April, no more than two or three backpackers got through each night. Sometimes there was none. Food became so scarce people were only able to eat one meal of rice or beans every other day, with a bowl of soup in between. Some were close to giving up. The community's unity and determination began to wither. The government knew this and was counting on making it more painful for them.

The unfolding of the Wounded Knee story, as well as the daring airlift of food for the besieged occupants, fills several more chapters in Bill Zimmerman's book. It is an action-suspense spellbinder with the sharpest of political insight.

The Editors

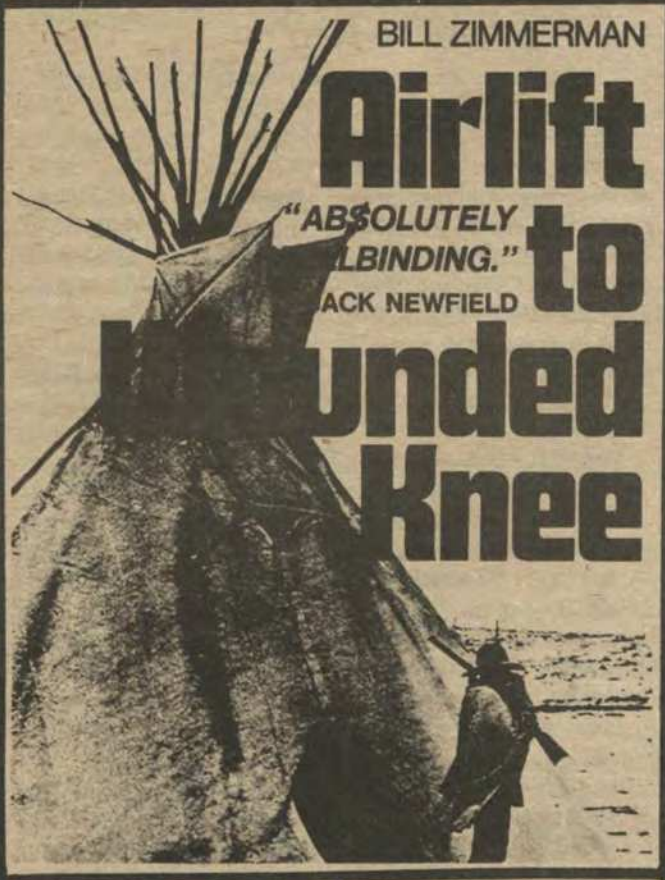
Voices From Wounded Knee 1973

This is the story of the liberation of Wounded Knee in the words of the participants, culled from 100 hours of tape recorded while the occupation was in progress. It is accompanied by 200 photographs and several maps. This account is essential reading for anyone who wants to understand this episode of the struggle for human dignity and freedom in North America. Many colleges are now using it as a text. 282 large-sized pages, $4.95.

And

BILL ZIMMERMAN

Airlift to Wounded Knee



Order From: $10.00
Akwesasne Notes
Mohawk Nation
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The above illustration, from The Cruise of Mr. Christopher Columbus *by Sadyebeth and Anson Lowitz, depicts Native Americans "hopping and skipping" to meet Columbus' ship.*/

"Do All The Indians Have Canoes?"

Sensitizing nine year olds to racist stereotypes

By Jane Califf

My recent experiences in attempting to sensitize fourth and fifth grade students to stereotypes of Native Americans (American Indians) in trade books have confirmed my long–held faith in young people's intelligence, and in the possibility of freeing future U.S. generations from biased perceptions of themselves and of others. The methods I have been using in my classroom are by no means fully developed; I must re-examine and work towards improving them. However, I wish to share them with *Bulletin* readers because they have been successful on several counts and may prove useful to other teachers in their efforts to develop awareness and analytical skills in their students.

My overall classroom objectives were to help my students: † recognize and identify with the humanity of Native American people; † understand the diversity and richness of Native American cultures; † appreciate Native American values and lifestyles; † understand the oppression to which Native peoples have been subjected; † perceive the media misrepresentation of Native peoples; and, finally, † realize that change can and should be fought for.

What might be called the first phase of our classroom study (a two-month period of 45-minute classes approximately twice a week) focused on Native American life and on the interaction of Native Americans with the first European settlers.

I posted colorful charts of Native American clothing, toys and implements obtained from *AKWESASNE NOTES* , avoiding the inauthentic, commercially produced items often found in the classrooms. We noted the skills and imagination required to produce these materials and discussed the significance of certain forms of decoration (for example, a particular culture's headdress might be worn only on certain ceremonial occasions). We discussed the wisdom underlying many Native American practices, such as leaving a wide space between a village and the woods so that forest fires would not destroy the people's homes. As part of the study of lifestyles, the art teacher led a project focusing on housing, dress and diet in which, among other things, the children constructed models of Hopi houses.

We talked about Native American values – the respect for nature and for the elderly, emphasis on sharing through communal ownership of property. We listened to recordings of traditional Native music. (Later we listened to Buffy St. Marie, a contemporary Native American folksinger, and discussed her song about the Native take-over of Alcatraz.)

Regarding Native American relations with the Pilgrims, we discussed how the former helped the newcomers survive. For example, we noted the Pilgrims' ignorance about the local flora and fauna, about certain foods which they had never known in Europe, about how to cultivate the land and grow certain crops.

We then discussed the genocide committed by the white settlers against Native Americans. I feel that while it is important for children to understand Native cultures and values, it is equally important for them to learn about the oppression suffered by Native peoples in the past and today. I explained how the newcomers gradually began to encroach on Native land in violation of numerous treaties signed to protect that land, and how the settlers killed Native Americans who resisted the encroachment. (Here, I was particularly concerned with countering the widespread image of Native Americans as wanton savages who, for no good reason, rampage and kill. Role-playing was a useful device in this regard./

To underscore the monumental nature of the injustice done to Native Americans by the settlers, I read aloud from materials written by Native Americans themselves, including the story of Black Hawk and articles from AKWESASNE NOTES about the ongoing fight for land and water rights. Here, I also used protest posters.

We discussed how reservations come into being and the poor quality of life in these areas–the lack of hospitals and jobs, the forced separation of children from their families to attend faraway boarding schools run by the Bureau of Indian Affairs. In response to questions about why such conditions are allowed to prefail, I explained that the white people who make the laws which govern Native American life are continuing to take Native land and resources (coal, timber, oil, etc.) without making compensation and without regard for the rights and needs of Native people. In retrospect, I'm sorry I did not introduce the concept of racism more openly and will do so in the future.

Discussion of Native American oppression and negative white perceptions of Native peoples led into a consideration of Native American images in various media. We talked about misrepresentations of Native American speech (the "ugh, how" syndrome) in advertisements, books, etc., drawing upon our knowledge of the reality that Native Americans do not express themselves in grunts and groans, either in their own languages or in English. We also talked about the constant depiction of Native people in feathers and brandishing tomahawks.

At this point, the children became alert to examples of offenses against Native Americans in everyday life. One student told the class that she had not permitted her mother to buy her a book bag with a red-faced befeathered "Indian" on it because "it makes fun of Indians." When another student appeared in class one day clad in a shirt with a picture of an "Indian" on it, a discussion ensued as to whether "Calvin is making fun of Indians." The concept that such images dehumanize Native people and turn them into objects is an important one for students to understand.

The second phase of our study was now in progress. Armed with our newly-acquired knowledge of the histories and cultures of Native peoples, we turned our attention to the depiction of Native Americans in children's books.

I brought into class a collection of books that are full of stereotypes and other flaws from the school and local public libraries. (My selection was based on the concept that flawed books are effective consciousness-raising tools.) I also brought the booklet *American Indian Authors for Young People* published by the Association on American Indian affairs. I explained to my students that the booklet tells how Native Americans had carefully read 600 children's books and had discarded most of them because they did not accurately reflect Native American life and histories. Since almost all of the discarded books had been written by non-Native Americans, the author of the bibliography had decided to recomment only books written by Native people.

Why? I asked my students. A short discussion ensued which ended in general agreement that Native American people would be more likely to know about their own cultures than someone who was an outsider to these cultures. Then, I listed the following criteria on a large piece of paper:

2. Listen to the words. Do they imply that Native Americans were/are naturally wild, warlike and bothered peaceful settlers or other Native peoples for no reason?

3. From what you've studied about Native American peoples, does the author seem to be portraying their lives accurately?

4. Does the author give the national name of the people such as Navajo, Hopi, Mohawk or Cherokee; or does the book just say "Indians," implying that all Native Americans are the same?

5. Do the Native people speak in pidgeon English, in grunts, or do they speak in sentences as all people do?

Jane Califf teaches in the New York City elementary school system.

The Kids Answer Back

Dear Editor,
I don't like your book of THE CRUISE OF CHRISTOPHER COLUMBUS because it was making fun of the Indians like the part when it said that they was smearing paint on their faces and jumping up and down yelling and shrieking and I think you shouldn't sell any more books.
Your friend,
Kenji

"DEAR EDITOR.....ANOTHER THING I DIDN'T LIKE WAS ON PAGE 69, IT SAYS CHRISTOPHER COLUMBUS INVITED THE INDIANS TO SPAIN, BUT WHAT REALLY HAPPENED WAS HE STOLE THEM!"

Dear Editor,
I read your book. It made the Indians look like dogs. Those people talked the way we do but in their language...When they wanted to give something, the book did not tell about what language they spoke. It just said they spoke Indian.
Sincerely,
Scott Dames

Dear Editor,
In THE CRUISE OF CHRISTOPHER COLUMBUS, why are you making fun of Indians?In the book the Indians all had the same faces, and they all had their legs high up in the air. If you were an Indian and they made fun of you I don't think you would like it!!! Another thing is that the book shows that the houses they lived in were made out of wood and large leaves. So try to make the story better next time.
Sincerilly yours,
Bernadette Smith

Dear Editor,
Why did you publish such a stupid old dirty book?Since you published that book I thought that book was making fun of Indians because all the Indians and the same clothes and the Indians looked retarded, crazy, and like little children. You shouldn't of published such a stupid book like that!
Your friend,
Noel Mendez

Dear Editor,
I don't like your book called THE CRUISE OF CHRISTOPHER COLUMBUS. I didn't like it because you said some about Indians that weren't true... Another thing I didn't like was on page 69, it says that Christopher Columbus invited the Indians to Spain, but what really happened was that he stole them!
censearly,
Raymond Miranda

Dear Editor,
I don't like the way the book says the grown-up Indians are skipping to the beach. Only kids skip. The Indians do the same thing at the same time. I don't like the way the Indians smeared themselves with paint. When they put paint on, thay do it carefully on their faces.
Your enemy
Steven Rivera.

I said to the class: "Guided by these criteria, I want to ask yourselves, 'If I were a Native American, would I like this book?Does it seem to portray my people fairly?"

Throughout our book survey, I used the method of asking leading questions or giving clues to elicit responses from the students. For example, I would read a sentence from a book and if the students seemed perplexed and failed to comment, I would read the sentence again emphasizing a particular word or words. Regarding illustrations, I might ask, "What color are the Native people?" to focus attemtion on the flaming red skin color which often characterizes pictures of Native Americans.

We began with the book *More Hand Shadows* by Henry Bursell. This book tells how to make shadow patterns on a wall and on page 14 shows how to create a "Wild Indian." We looked at how to make a pig, a swan, a sheep; then we came to the "Wild Indian." "Should we learn how to make this hand shadow?" I asked. Everyone said, "No!" "Why not?" "Because Indian people aren't wild," a child said indignantly.

Next I held up *Will I Have a Friend?* by Miriam Cohen. The story takes place in a kindergarten or first grade, and on one page we see a child running around with a feather and headband on his head. On another page he is waving a tomahawk. "What about this book?" I asked. "This book is no good," a girl replied. "Remember when those Indian dancers came to our school? Charles made a war whoop and one of the dancers said that was making fun of Indians." "It makes you think that Indians just run around with tomahawks and make funny noises," said another student.

Next we looked at *The Matchlock Gun* by Walter D. Edmonds, a Newbery Award winner in 1941. I summarized the story: A Dutch family moves to Albany, New York, in 1757. Father goes off with the militia to fight the "Indians" leaving his wife at home with their son and daughter. We looked at pictures of the mother and children. A two-page spread in the middle of the book shows them peacefully gazing into a valley and at the mountains beyond. Other pictures show the mother kissing her children goodnight, talking to her son, and the baby sitting happily on the edge of a bed.
The mother is very worried about an attack by Native Americans. One day she goes out to the garden, and suddenly she sees them. I read aloud the description in the book:

There were five of them, dark shapes on the road, coming from the brick house. They hardly looked like men, the way they moved. They were trotting, stooped over, first one and then another coming up, like dogs sifting up to the scent of food. Gertrude felt her heart pound hard; then it seemed to stop altogether. (p.39)

"How does that sound to you?" I asked. "It sounds like the Indians are animals, like dogs" said one child. "Now look at these two pictures," I said. One showed the mother running away from the "Indians" who are holding tomahawks or knives and wearing scanty clothing with two or three feathers in their hair. A two-page spread in flaming red shows three of the Native men close to the cabin, one having just thrown his tomahawk into the door close to the mother's head. Her son has just fired the matchlock gun and the three Native Americans are dying.

"What do you think of these illustrations?" I asked. "The Indians look scary, naked, wild, evil, mean," the children exclaimed.

"How do the settlers appear by comparison?" I asked. "They look peaceful" a student volunteered. "It makes you feel sorry for them and angry at the Indians, as if this family is just fighting back to protect their home."

"That's not right," a voice cried from the back of the group. "The Indians had a right to be mad. Those Dutch people took their land so they started the trouble in the first place. This book makes you just be mad at the Indians."

"That book doesn't say the names of the Indians!" "It makes you think Indians are crazy people!" "This book doesn't say that the Dutch took the Indians' land!" All of these comments poured forth from my students. They were angry.

On another day I gave the children the following passage to comment on from *Tomahawks and Trouble* by William O'Steele:

Laird's fingers tightened on his rifle. It was hard to believe there could be varmints as mean as Indians in this world. He'd heard folks say the only good Indian was a dead Indian, and he believed it. (pp. 16–17)

Jackie, one of my students, wrote:
It does not sound right to me at all because he is calling a Indian a animal but a Indian is not a animal. It was not fair for him to say that the only good Indian was a dead Indian and he should not believe that but he should believe this that the only good Indian is a good Indian.

In a later lesson, I told the children that not all Native Americans are portrayed fighting with settlers. An example of another type of book is *Red Fox and His Canoe* by Robert Benchley. I read the first page aloud: "Like all Indian boys, Red Fox had a canoe to go fishing in. But he wanted a bigger one."

Noel said: "What about the Navajo and the Hopi Indians? They lived in the desert in dry places. How could every boy have a canoe?"

We discussed why authors and illustrators might make mistakes in their depiction of Native Americans. The children concluded, "They are not Indians." "They read books when they were small that did not tell the truth about Indians."

I read the rest of *Red Fox* to the class and the children criticized various sections.

We discussed what could be done about the offensive images of Native Americans in the books we had reviewed and decided that sending our criticisms to the authors or publishers might help prevent future mistakes. Garrick and Calvin decided to write to Mr. Benchley and Joy began writing to Arnold Lobel, the illustrator.

The children were very excited to receive answers to the letters they had written. Joy read her answer from Mr. Lobel to the class. (He wrote that he "did not try to make [Red Fox] into a really accurate depiction" and that the book is a "humorous fanciful story.") "I think he's making excuses" she said. "Why?" I asked. "Because if he said

Children's Books From Our Bookstore

Books for young people which do not contain stereotypes are not easy to find. Here are a few we think avoid the usual pitfalls. They can be ordered from us. (Please add a small amount, 10% or so, for postage and handling.)

We would like to add titles to this selection. Let us know what you see around you.

MANABOZHO AND THE BULLRUSHES by David Martinson, $1.25, 4 years old and up
Manabozho lives and he doesn't. He is a fool and a hero. He dances all night.

CHEER UP OLD MAN by David Martinson, $1.25 4 years old and up
At the end of a life there are many stories for the grandchildren. About an old man whose heart is still warm.

SHEMAY, THE BIRD IN THE SUGARBUSH by David Martinson, $1.25 4 years old and up
Liza is a Chippewa girl. She helps make maple sugar. Her grandmother teaches her about the saddest bird.

THE OJIBWAY CREATION STORY (BOOK ONE) by Edward Benton Banai Ill. by Joe Liles, $2.00 5 years old and up
ORIGINAL MAN WALKS THE EARTH (BOOK TWO) by Edward Benton Banai $2.00
A history-coloring Book of the Ojibway Indians.

NORTH AMERICAN INDIAN DESIGN COLORING BOOK by Paul E. Kennedy, $1.50

A COLORING BOOK OF AMERICAN INDIANS by Catlin, Bodmer, etc. $2.00

SMALL WOLF by Nathaniel Benchley $3.79 5 to 10 years
Small Wolf gets his first glimpse of the new white settlers who are not friendly. His life begins to change.

COYOTE STORIES OF THE NAVAJO PEOPLE Ed. by Robert A. Roessel, Jr. and Dillon Platero, $3.95
Coyote deals with Skunk, Cottontail, Porcupine, Lizards, the Beaver People, Wildcat. He loses his eyes and never seems to learn his lessons. Age 6 and up.

TURKEY BROTHER AND OTHER TALES, Iroquois Folk Stories by Joseph Brochac $3.95 Age 6 years and up
Turtle, Bear, Snake, the Porcupine Clan, the Boy Who Lived With the Bears. Beautiful illustrations.

THE PRAYING FLUTE: SONG OF THE EARTH MOTHER by Tony Shearer $5.00
This Fantasy takes us into the Underworld where we meet the Earth Guardians, two inches tall, who give Little Girl her praying flute. Ave 8 to 180.

TALES FROM THE LONGHOUSE by Indian Children of British Columbia, $1.95
Indian Students on Vancouver Island and in the village of Kingcome Inlet on the British Columbia coast gathered these stories and legends from older relatives over a six-year period. Age 9 and up.

HARPOON OF THE HUNTER by Markoosie, $2.25
Young Kamik tracks down a wounded polar bear and makes a long journey alone after his companions have been killed. Life in the Canadian Arctic depicted as a struggle. A change from the usual "happy ending" stories. Age 9 years old and up.

INDIAN BOYHOOD by Charles Eastman, $2.50
First person account of the life of a young Santee Sioux boy, just before the reservation period. Woven into the story are customs, traditions, religion of the Sioux Nation. Age 9 and up.

SON OF RAVEN, SON OF DEER by Nootka, $4.95
Twelve fables of the Tse-shaht people. For teaching importance of all living things. Good read aloud. Ave 9 and up.

GLOOSCAP AND HIS MAGIC by Kay Hill, $2.79
It was Glooscap who created the animals and the Indians of the Eastern Woodlands. Somewhat "Europeanized" version of a magic hero. Age 9 and up.

TALES FROM THE IGLOO Ed. by Maurice Metayer, $4.95
Twenty-two tales of the Inuit called the Copper Eskimos along the Canadian Arctic Coast. Traditional legends and fables reveal a view of man, nature and the supernatural influenced by a harsh land. Age 10 years and up.

THE GREAT TREE AND THE LONGHOUSE: the culture of the Iroquois, by Hazel Hertzberg, $4.50
Discussion of the drama of a culture as determined by environment, creation stories, family patterns, roles of men and women. Interspersed with stories, with a final chapter on the Iroquois in recent history. Teaching book for ages 11 and up.

NORTH AMERICAN INDIAN ARTS by Andrew Hunter Whiteford, $1.95
A little book which runs through the steps involved in pottery, basketry, textiles, skinwork, woodwork, stonework, and more. Well illustrated. Age 10 and up.

Books Continued on Page 35

that he made a mistake, then people wouldn't buy the book."

Mr. Benchley wrote that the story was a fable. Some children thought if the story was a fable, maybe it was all right not to portray Native American life faithfully. Others felt that children might believe everything the author wrote because he didn't say in the front of the book that it was a fable.

When Thanksgiving came, we discussed the Pilgrims and the Wampanoag people who met them. I read from *The First Thanksgiving* by Lou Rogers:

When fall came, things were better. The Pilgrims had homes. They had all the food they could eat...

Governor Bradford said, "God has been good to us. We have homes, and we have food. We can go to our own church. We should thank God for all these things." (p.22)

As I finished reading, a hand was waving in the air. What about the Wampanoag Indians?Why don't they thank them? The Pilgrims would all be dead if they didn't show them how to plant food and how to hunt."

I thought it was also important to expose the children to a Native american perspective on the holiday itself. As a departure from the traditional (patronizing) displays featured in many schools at Thanksgiving time, I posted a sign (another AKWESASNE NOTES resource) saying that Native Americans regard Thanksgiving as a day of mourning and telling why. I also pointed out to the children that the holiday is not cited on the Akwesasne Calendar.

Around the time of Columbus Day, we reviewed *The Cruise of Mr. Christopher Columbus* by Sadybeth and Anson Lowitz. From an out-loud reading, the children detected many stereotypes and distortions. Thirteen children volunteered to write letters to an editor at Scholastic Magazines, Inc. (see excerpts from their letters in the adjoining box.)

We all waited and soon received an answer from Mary Ann Leeb. She agreed with the criticisms and informed us that Scholastic would no longer carry the book!

One day soon after, I saw Omar painstakingly writing for a long period of time at his desk. It was a free period after lunch and all the other children were drawing or playing games. He was writing a letter to Richard Scarry criticizing his *Best Word Book Ever.:*

Dear Richard Scarry,

I did not like when you drew the Indians like a bear. Indians do not look like a bear and Indians do not put feathers on their heads, only on special occasions. I think you can make a better book than that.

Sincerely, Omar Sanchez

We just sent off Omar's letter and hope to hear soon from Richard Scarry.

The use of "Native-American"

The AKWESASNE NOTES editorial staff was urged by this article to discuss the use of language in the development of attitudes, and to suggest some areas of focus for the presentation of anti-racist material to young people.

*The single most oppressive reality facing native peoples in North America has been the conscious and persistent unwillingness of United States people to recognize that native people are members of native nations. The argument that native people are not members of their own nations has long been used as a rationalization for the denial of native rights to land, water, and a way of life (and livlihood.) In fact, the legal machineries of the United States and Canada have asserted repeatedly that native peoples either do not have status as nations or that their nations exist in a special relationship to the United States under which all rights to land and resources and even culture is less than those rights would be to any other people. There have even been standing policies in this hemisphere that assert that native people are not legally human beings because they do not possess a status as recognized nationalities, and therefore have no rights whatsoever. This can be seen in at least three of the articles in this issue of NOTES. (*Native Title, Paraguay, and Indian Jurisdiction.)

Young people in the United States need to be sensitized also to the racist policies which have oppressed native people throughout the world, and encouraged to be able to identify those policies. The term Native American, in and of itself, is a seemingly harmless term, but it is used in a way that infers, however innocent its author, that native people are somehow exactly the same as other hyphenated Americans (Chinese-Americans, Polish-Americans, etc.) That would not be objectionable, except that native peoples are in fact members of their respective nations, and the denial of their rights as distinct and separate nations with their own territories, sovereignty, cultures, and power over their own lives has been the basis of much racialist policy in the Western Hemisphere. Because of that history, our own preferences lead us to use terms such as "native people" rather than Native Americans because we feel that it is a more accurate term.

About this article

"Sensitizing Nine Year Olds to Racist Stereotypes" by Jane Califf originally appeared in the COUNCIL BULLETIN of the Council on Interracial Books for Children, Inc.. A follow-up article by Jane Califf is in the current CIBC BULLETIN. The Council on Interracial Books for Children offers a free catalog listing anti-racist teaching materials.

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THE DESTRUCTION OF THE

ACHÉ

ANOTHER FACE OF THE CONTINUING TERROR IN PARAGUAY

We were told this among friends. The voice is of a group of people living in Paraguay —– people engaged daily in a reality so brutal that it is difficult to truly visualize it from the relative safety of North American life. In our Late Fall, 1976 issue, we carried another article on Paraguay. That article was entitled, "Paraguay, Land of Slavery, Torture, and Death."

As we listened to our brothers and sisters, we had a sense that they too were easily overwhelmed, and not only by the magnitude of the injustice and of the brutality —– but even more so by their countrymen's uncanny ability to contemplate it all and shrug.

The Editors

"There is a man named Coronel Periera. He is famous in Paraguay and well-thought-of by the government, a national hero.

"As recently as 1959 he was merely an Indian hunter, like so many others. He was a hunter of Ache-Guayaki, killing the men and capturing the women and children. For many years this was his business. The women and children he sold into slavery-- to become agricultural workers, servants, prostitutes.

"There is a slave market in prostitutes. Periera, who is now a man of some reknown, is very active in this market. But, of course, he is by no means alone. We merely single him out because he is such a developed example of the way of advancing civilization.

"The slave market is now growing. It is conducted with the absolute certainty that these young women are not human beings. As we have said, we are like animals to them--hunted in the jungle, the men killed, the children sold at this place or that place. It is very difficult and dangerous to trace the actual route of the slave market--but we have been able to ascertain that many are exported to the brotherls of Brazil--many Indians, and we should add, many non-Indian poor peasant girls--because, you see, this mentality is so overwhelming that they even sell their own.

"The reason it is so difficult to trace the route of this slavery market, as well as to investigate the situation of many of the Indian peoples in Paraguay is that within the country you find many tracts of land owned by rich and powerful individuals, North-American or Argentinian corporations, Catholic and Protestant missions, and usually they have absolute control over their holdings. It is like the *encomienda* system the early conquerors devised.

"We know, for instance, since one of our people was able to study it, about the situation at a place called Arroyo Mandufi – which is a sort of military garrison. There the soldiers had about 150 Ache-Guayaki girls, many only 7, 8, and 9 years old, constantly raped and otherwise sexually abused.

"Coronel Periera, of course, owns a large tract of land himself. He has come a long way since his days as a mere Indian hunter.

"As an Indian hunter, Periera would have a difficult time with the men of the Ache-Guayaki. The women and children, once captured, he could control and sell. The men were a different matter. The few men he could manage to capture alive would escape at the first opportunity – or they would simply waste away – they refused to serve as workers.

"The Ache-Guyaki have a highly developed sensibility to the jungle. Once captured, and having returned to the jungle, they are nearly impossible to re-apprehend. Periera was aware of this, as he was also aware that the capture of men, and their successful use as workers brought a higher profit return to his operation.

"Periera was a clever man, a devious man. During the middle 1950s, he had captured a young Ache boy, seven years of age, and had, for all practical purposes, adopted this boy. Probably, he had killed the boy's father and sold his mother. They developed a relationship much like father and son. (Periera had no children of his own.) The boy was well-treated and taught by Pereira the ways of plantation living and the rudimentaries of getting along in the white world, and for several years this went on, with the young Ache progressively forgetting his origin and Pereira guiding him toward the fulfillment of his design.

"In 1959, when he was assured that the young man was ready, Periera sent him out on the mission he had painstakingly prepared him for. The young man was to travel among his former people, the Ache-Guayaki, and he was to concentrate on the men, attempting to convince them to give themselves over to Pereira and using the example of his own upbringing--how well he had been treated and what a healthy life he had--to overcome their suspicions and fear.

'Pereira waited. The young man travelled the jungle. Several months later the young man came out. Behind him, on the trail, were twenty Ache men.

"Periera was jubilant. The men were jumpy at first, but Periera and his young man made every effort to make them feel welcome. They were well-fed and well-housed. The newspapermen came and Periera presented himself to the national Society of Paraguay as a "protector of the Indians."

> "THE SLAVE MARKET IS NOW GROWING. IT IS CONDUCTED WITH THE ABSOLUTE CERTAINTY THAT THESE YOUNG WOMEN ARE NOT HUMAN BEINGS."

"When the excitement died down, Pereira set about to execute the next phase of his plan. The twenty new men were indeed well-treated. With the help of his young man, Pereira set about the task of indoctrinating the Ache to plantation life, extending and withdrawing priviledges and always in a pleasing manner. The Ache men, who in the face of the white men had previously known only flying bullets, the destruction of their villages, and the enslavement of their women and children, were puzzled and pacified by Pereira's approach. It wasn't long before they recognized him as the source of their well-being and began to identify their own welfare with his.

"Periera used them. Soon, they were willing to serve him. In fact, it came to be that before long, they were willing to fight among themselves in their newly--created impulse to prove their worth to him. They became his bodyguards--his goons--and it was then that he gave the majority of them the same mission he had given his young man--go out into the jungle and bring Ache people in.

"This is when the destruction of the Ache-Guayaki began in earnest. Many people believed these men. Within a year over 300 had come out. But this time there was no longer a need for pretense. Sometimes Pereira himself and often his bodyguards imposed themselves with the whip. The people were herded into compounds and then the epidemics of the white man's diseases (hunger, mumps, smallpox, tuberculosis, cholera, fear) lashed out at them with a ferocity that left 75% of their number dead.

"But Periera had accomplished his objective. He had a loyal, well-trained and growing force of men with which to conduct full-scale raiding parties; he had a population of slaves, he had national recognition as a "protector of the Indians."

"In 1962, a leftist guerrilla movement began in the Paraguayan jungles, making a stand against the regime of General Stroesner. There was widespread discontent among the poor country people of Paraguay and the national army seemed to find it impossible to locate the guerrillas and force them into a decisive battle. The national elite became alarmed at the possibility of a growing guerrilla movement, of a revolution, and there began a frantic search for some solution, for an advantageous weapon.

"Coronel Pereira owned such a weapon. His Ache--Guayaki men's near total knowledge of the jungle gave them the radar-like capacity, among others, to track a man's trail five, six days old.

"Coronel Pereira offered his services to the national army and with his Ache-Guayaki men as scouts, the guerrilla groups were relentlessly pursued, ambushed, or captured and put to death.

"So now Coronel Pereira is a well-respected, powerful man, a man upon whom the national society bestows honors and considers a sort of "folk hero"- -what your General Custer might have become a hundred years ago.

"What you lived a hundred years ago, that is what we are living now. We are living the brutal reality, first hand, and it is a long way from the romance of those "western movies."

"Coronel Pereira, for instance, is a sexual deviant. This is well-known in Paraguay. The situation is such there that he doesn't even try to hide it. He keeps young

Ache girls, 7, 8, 9 years old--a small harem--only young girls. He apparently suffers from some form of impotency and these girls are forced to please him in a particular way.

"We mention this not to be sensational or alarmist, but merely to illustrate how a man could do this openly, and it seems not to trouble our countrymen's sense of dignity or moral integrity.

'The practice of selling services, selling bodies, using human beings, is so widespread and pervasive that to even question it, as some of us do, is to be branded as "crazy" or "silly." or "naive."

"The girls of Coronel Periera are a good example. This is something Dr. Munzel (the German anthropologist expelled from Paraguay) studied carefully and has documented. The girls used by Periera, when he no longer wants them, when they are too old, maybe 12 years of age, are sent back to their people – and they can no longer adapt.

"WHAT YOU LIVED A HUNDRED YEARS AGO, THAT IS WHAT WE ARE LIVING NOW. WE ARE LIVING THE BRUTAL REALITY, FIRST HAND, AND IT IS A LONG WAY FROM THE ROMANCE OF THOSE "WESTERN MOVIES."

"This is a tragedy of the highest magnitude. The girls are forced to sexually satisfy Pereira in ways which are totally outside the frame of reference of the Ache--Guayaki. They are terrorized, their wills broken. When they are sent back, they are outside their people.

"The Ache man doesn't like the girls anymore--he doesn't know how to approach them-- she doesn't know how to approach him. They are like Pereira's human garbage.

"We worry that this continues, that he has in his power so many of our people. Of course, he guards himself more these days, because of the international alarm--but his place is secure. The government supports him, he is a national hero, and his Ache bloodhounds are always available to the army.

"It must be understood that this doesn't happen in a vacuum, that it isn't simply a matter of Pereira being a villain, alone, and if we just successfully expose him, it will all go away. In fact, the very institutions in society that one would expect to look to for the moral authority to combat such men as Periera–the churches–cannot help, because they do much the same.

"We know for a fact that at Puerto Barra, the New Tribes missionaries have one farm with 30 Ache--Guayaki slaves. The missionary who runs it is called Mr. Fosterbal.

"There is a company, an English/Argentinian firm, Carlos Casada, Ltd.. They own 40,000 square miles in Paraguay--something like the size of Belgium. They are building railroads through their land and harvesting tanin oils. There they have 2,000 Indian men.

"These men must work in the jungle and carry the tanin oil on their backs. Their backs are always burned from this, and, of course, the whip. They don't ever pass 28 years of age. They are paid approximately $1.50 a day, and half of that is paid in alcohol – pure wood alcohol – to form a habit in them which weakens their resolve to escape. And do you know who runs the camp for this foreign company? A Catholic mission, a priest.

"We could go on. The brutality and the lack of concern is truly demoralizing. Of course, our Indian people resist. There are 18 different Indian nations in Paraguay and we understand that we have a common concern, that we must be allies. What has befallen the Ache--Guayaki is a continuing warning to all of us.

"Some of our groups have never seen white men. They are now actively engaged in avoiding contact. We must help them.

"Some of our groups are in active warfare against the invading whites. They are in what we call "hostile defense," trying to maintain their territorial integrity.

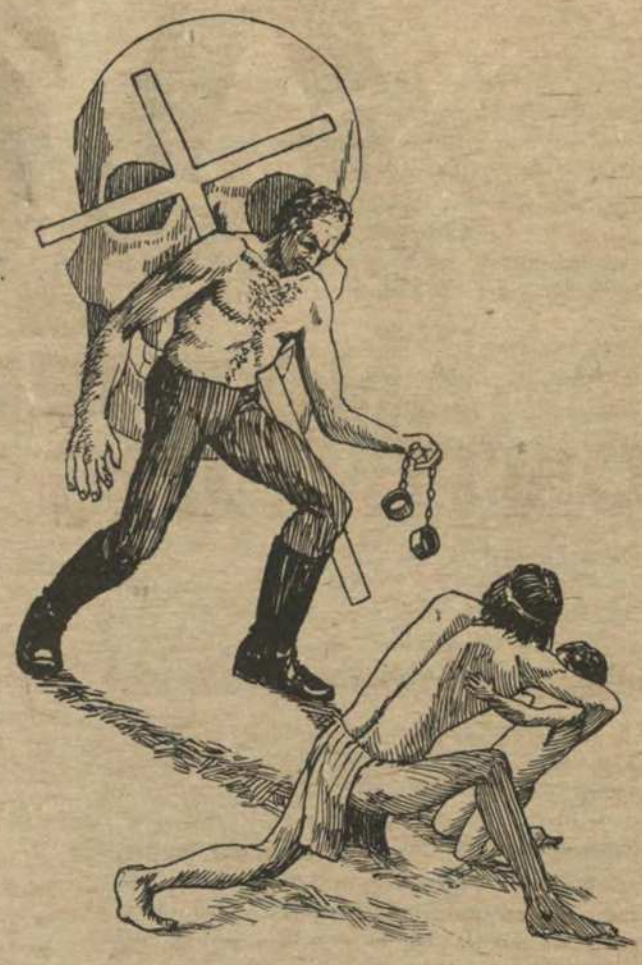
"Many of our groups, those that have a long history of contact are in an intermediary position - trying to maintain cohesion as a people and at the same time explore the ways of the white people.

"This is as dangerous as it is important. We have to learn to defend ourselves--learn their tricks--how they seem to be so conniving with us all the time, find out who among them are capable of understanding justice.

"We must admit, for instance, that since about 1974 the North-American ambassador has made some attempts at supporting human rights. And maybe now with this new president of theirs, more of an effort will be made--but we are not hopeful.

"We have a National Indigenous Council. Representatives from our different nations come together upon occasion to discuss and strategize our Indian survival. There is a North-American, a Mr. Eaton, who owns a hundred thousand hectares of our land. Within his property, there are two whole nations of our people. This Mr. Eaton consistently refuses to allow their representatives to come to the council.

The North-American ambassador tried to intercede with Eaton. Eaton flatly refused. This is what he said: 'These are my Indians. I don't want them contaminated by these Communists.'



"So, you see, good intentions are not enough. We really can't believe too much in human rights for Indians. How can we if in Paraguay you can kill an Indian like an animal – and the Paraguayan who kills an Indian doesn't go to jail.

"We believe instead that we have a long fight ahead. We have to learn about this white man, we have to talk to them, we have to hit them on the head with a stick once in a while – maybe through that they will understand."

–Jose Barreiro

2

Chief Joseph

6

Sitting Bull

9

Poundmaker

5

Zuni Governor

20

Rush Gatherer

8

Grandma Hunter

23

Wintu Woman

14. Ganienkeh

7

Three Sisters

11
Family Portrait

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The Maine Land Claims

A Watchfull Confidence Toward Federal Action

During the French and Indian Wars, the colonial government of the Colony of Massachusetts declared war on the Penobscot and Passamaquoddy nations. In 1759, as the wars diminished in intensity, Thomas Pownal, the colonial governor, issued a declaration that the Penobscot and Passamaquoddy lands were conquered territories and belonged to the Colony of Massachusetts.

More recently, John Stevens and other members of the Passamaquoddy Nation decided to file suit in federal court over title to the lands. The specific lawsuit was stimulated by the activity of developers along a highway which crosses the Passamaquoddy lands reserved in a treaty with the State of Maine (which was once a part of Massachusetts) which was signed in 1794 and which established a 23,000 acre Passamaquoddy Reservation. The treaty, long forgotten by the powers that be in Maine, was found in 1957 by an elderly Passamaquoddy woman in a box in her attic.

The initial lawsuit rapidly escalated into a much larger challenge to the 1794 treaty on the grounds that Maine (which, in 1794 was still part of Massachusetts) had illegally taken the territories of the Passamaquoddy Nation in violation of a 1790 Act of Congress which required Congressional approval of land acquisitions by states of Indian lands.

The challenge to the 1794 treaty has created what is potentially the most significant case in terms of land claims and also in terms of the treatment of native people by the federal government during this century. The Passamaquoddy (and neighboring Penobscot) land claims encompass some 2/3 of the land area of the present State of Maine, an area approximately 100 miles by 185 miles. The native people want the land returned to them.

The Passamaquoddies approached the Interior Department about their claim in early 1972, with a request that Interior enter into a law suit on their behalf against the State of Maine to recover the lands. Interior refused. A similar request to the Justice Department concerning a proposed suit challenging a 1796 treaty, (also with Massachusetts) also met with refusal from the government's representatives.

But the Passamaquoddies didn't give up. In the summer of 1972 they filed suit in federal court against the Interior Department and the Justice Department for refusing to protect their rights. The lawyer for the Passamaquoddies, Thomas Tureen, was working out of the Native American Rights Fund, a Washington-based legal defense organization for native people.

Along with Stuart P. Ross of the Washington law firm of Hogan and Hartson, Tureen worked on the legal theory which is presently controlling Eastern native land claims. The theory, in rough outline, is as follows:

–Native land claims may not be wiped out by the states.

–The 1790 Congressional Act known as the Indian Trade and Non-Intercoures Act required that Congress give its approval to any land sales or gifts by native nations to the states.

–Congress did not ratify the treaties of 1794 and 1796 between Massachusetts (concerning lands which are now part of Maine) and therefore those treaties were and are illegal.

–The rights of native people to their lands must be protected by the federal government (the intention of the 1790 Non-Intercourse Act.)

Most parties to the litigation, but especially the State of Maine, did not feel threatened during the early phases of the proposed lawsuit. But in 1974, in a unanimous decision, the Supreme Court ruled that the 1790 law was still applicable in a case involving the Oneida Nation of New York, and that decision opened the possibility that the law might be applicable to all native nations in the United States. That would mean that federal lawsuits could be filed by native nations under that law.

The Penobscot and Passamaquoddy people were required to prove that they are, in fact, entitled to recognition under federal rules, and that the 1790 statute applies to them. On February 11, 1975, the District Federal Court at Portland, Maine, ruled that the Passamaquoddies are in fact entitled to protection under the law, and that the Interior Department has a responsibility to take at least some steps to protect their interests.

"Native leaders have made it clear that they are directing their efforts at the big land holders, not homeowners or small businesses."

The "Maine Indian Case" quickly achieved national attention at this point. The Passamaquoddies were able to employ Archibald Cox of Watergate fame as a consultant. Maine hired Edward Bennet Williams as their consultant and lobbyist. And last September, the first tangible effect of the real and potential lawsuits to recover lands surfaced when the Boston firm of Ropes and Gray failed to give legal clearance for a $1 million sewer bond issue for the town of Millinocket. That occurrance received wide coverage in the national press.

The roar and thunder which has surrounded these cases may be, to put it mildly, premature. The U.S. Court of Appeals upheld the February 11, 1975 decision on December 24, 1975. (The decision applies as well to the Penobscots, who filed a parallel case.) But there is no requirement that the U.S. Government must file a suit against Maine. Under the present set of rules and strategy, the Penobscots and Passamaquoddies must bear the burden of proof that they have a right to the lands, and that their rights have not been wiped out in some way by Congress. Given the history of U.S. litigation and court decisions, the outcome would appear to be far from certain. The court decision which supported their standing as native people does not insure that they have a guarantee of a successful court battle.

Attorney Tureen, however, sounds very confident. Tureen said, ten days after the *Passamaquoddy* decision: "No legal issues are left to be decided. All we have to do now is prove the extent of the aboriginal holdings. Precedent covered everything else. The hardest part of the case is over."

In January, the Interior Department asked the Justice Department to file a suit on behalf of the Penobscots and Passamaquoddies. There is a current law on some forms of native claims which is due to expire on June 18, 1977, and the suit must be filed before that date. On February 28, 1977, the Justice Department agreed to sue to obtain two things:
–recovery of the right to some of the Maine lands, and,

payment for damages done to the land since 1790.

The Passamaquoddies have the option of going to court absent the federal government's sponsorship, but they probably could not afford the court costs (poor people have a limited access to justice, such as it is,) and any decision cannot actually bind the federal government to do anything about the claims.

But the Justice Department has been issuing statements to the effect that it does not want to go to court. President Carter has announced the appointment of a "special representative" to negotiate a settlement which would go to Congress. His choice for this post is William B. Gunter, a retiring Georgia Supreme Court Judge. The Justice Department said it would wait until June 1 before filing a suit, to allow time for the negotiations.

The Justice Department says that it thinks that it can win 5 to 8 million acres for the Penobscots and Passamaquoddies. This is largely forest land, unpopulated, owned or leased by the Big Seven of Maine's paper industry.

The paper industry, incidentally, has been ominously silent. Last September, Great Northern barely mentioned the native claim in its report to the stockholders. Georgia-Pacific has adopted what they call a "very low, watchful profile." It should be noted that they have the most at stake, should the Penobscots and Passamaquoddies prove successful in pushing forth their claims.

Most of the disputed lands in Maine belong to a small number of large landowners. In fact, the Passamaquoddies outnumber, in terms of population, the present owners of some four million acres of Maine (about one fifth of the state.)

The native leaders have made it clear that they are directing their efforts at the big land holders, and not homeowners or small businesses. The strategy is to push forth as much of the claim as possible without disrupting life in Maine. But the message has not reached Maine's homeowners, many of whom continue to stress the claim's impact on private citizens.

Maine observers state that a resentment is begining to grow, a resentment directed at the federal government as well as toward the native people. Said one Maine attorney, "The title standards of Maine law are being cast aside. We may have to throw good titles down the tube to recognize a 190-year-old law." Many are complaining that they don't understand how, after two centuries, land titles could be open to challange.

Economic pressures confronting the Maine communities eased on February 31 when the New York City bond law firm of Hawkins, Delafield and Wood rendered an opinion that the Penobscot and Passamaquoddy people will not win title to the Maine lands. (On February 25, Maine sold $15.4 million of general obligation ten year bonds at a borrowing rate of 4.566 per cent, which was considered very favorable.) And this Spring, Maine legislators introduced legislation in Congress which would limit native claims to monetary settlements, without possibility of an award involving land. At this writing, it is left to observers to ponder whether Hawkins, Delafield, and Wood might know something that everybody else involved doesn't know.

(Thanks to the Washington Star for much of the information contained in this article.)

MIGHT MAKES RIGHT

A History of Indian Jurisdiction

I—— HOW THE U.S. COURTS HAVE ERODED THE RIGHT OF NATIVE NATIONS TO RULE THEMSELVES.

At one time, it was clear who had jurisdiction over Indian land and people--Indian people governed themselves, period. How has it happened, then, that other governments now have power or jurisdiction over Indian people and land? Is today's situation proper and lawful? These are some of the questions Indian people are raising about jurisdiction.

In addition to Indian governments, state and federal governments claim certain powers over Indians and Indian land. All three governments apply or try to apply their laws. For example, some state governments enforce health laws on reservations. Indian police can make arrests on the reservation but not off. Some crimes committed on the reservation are punishable by the state, some by the federal government, and some by the Indian government. Jurisdictional problems are created when one government gets in the way of the other. This happens, for example, when the state tries to apply its sales tax contrary to the Indian treaties, laws, or ordinances. This may also happen when a federal court orders a tribal court to use a new and different procedure, or Congress passes a law giving a state power to enforce its criminal laws on Indian land.

Jurisdiction has always been a confusing subject because it is usually discussed from the non-Indian point of view. Jurisdiction is usually defined according to federal or state law rather than Indian law. What is jurisdiction from an Indian point of view? Hopefully this article is just a starting place for discussion because there cannot be any one Indian point of view. Each group of Indian people has its own laws and ways and point of view. In this article, a brief history of jurisdictional conflicts between federal, state and Indian governments will be presented. Jurisdictional problems will be discussed from an Indian point of view and with Indian sovereignty foremost in mind.

Jurisdiction and Jurisdictional Powers

Jurisdiction is the legal power which a government has to rule or govern its people and territory. One of the characteristics of a sovereign nation is that it has complete jurisdiction (power) over its people and land. Indian jurisdiction is, simply put, the power which a sovereign Indian government has. Generally, Jurisdiction includes three powers of governments:

1. Legislative: the power to make laws (to pass or enact ordinances or rules);

2. Executive: the power to enforce the laws (to make people obey the laws by using police, persuasion or some other method); and

3. Judicial: the power to make legal decisions when there is a disagreement (to decide cases such as in a tribal court or at a council meeting, when there is some dispute or disagreement about the law).

There are certain external powers of a sovereign nation which are related to jurisdiction, such as the power to conduct foreign relations, to make treaties, to make war and so on, but the word "jurisdiction" doesn't usually include these powers. Of course, different nations use these powers differently. Some have a council to make laws, Indian officials and police to carry out the laws, and courts to decide cases. Other Indian nations may place all these powers in a single council. But that is not the subject of this article.

The jurisdiction, or power, a government has depends on many things. In the first place, it depends on how much power was given to the government originally. There are many kinds of power which a government can have, but all governments do not have the same powers. Most Indian governments receive their actual power from the people and sometimes from spiritual sources. This power may be written down in a constitution or it may be handed down orally and traditionally. An "Indian" government which receives its power only from the United States or a state is not a true Indian government. True Indian governments have jurisdiction which comes from within, not from some other government. To say this another way, true Indian jurisdiction is spelled out and defined by Indian law and tradition, not by United States law. The "whiteman's law" has, of course, had an enormous effect on the actual exercise of Indian jurisdiction, and this will be discussed below.

MOst Indian governments originally had more or less complete authority to rule within their own territory, but most did not have any power or jurisdiction to rule *outside* their territory. Some governments have received religious jurisdiction, that is, legal power in religious matters. Others have no such jurisdiction. But the inherent jurisdiction or power rightfully held by an Indian government is often forgotten or ignored. Very often Indian governments do not exercise or use the full jurisdiction or governmental powers they have. As often happens, Indian governments are prevented or discouraged from exercising their legal jurisdiction. In some cases particular Indian nations have intentionally given up part of their jurisdiction in treaty agreements. However, many treaties which appear to give up Indian jurisdiction were actually fraudulent and not truly understood or agreed to by the Indians involved. Likewise, it has often happened that the state or federal government simply ignores or tries to take away or override Indian jurisdiction and put state or federal jurisdiction in its place. As Indian leaders know too well, this has caused some very serious problems in Indian territory.

Looking at the history of how Indian jurisdiction has been worn away or forgotten, and trying to understand which government--Indian, federal, or state--has what jurisdiction or power can be confusing. A great deal depends on whether one begins from the point of view of Indian law, or whether one looks primarily at state or federal law. As mentioned earlier, Indian traditional law usually gives complete jurisdiction to the Indian government to rule Indian territory, to manage Indian national affairs, to settle disputes and so on, all without outside interference. On the other hand, if you go by United States law, actual Indian jurisdiction is much less than the inherent, sovereign jurisdiction which each nation has or had under its own law. Of course, each Indian nation must be looked at individually in light of its own history and law.

Almost everything written on Indian jurisdiction has looked only at the federal law (the laws applied in the United States courts and the decisions of these courts). Naturally, the United States courts are one-sided. If Congress passes a law saying that a particular Indian nation has no government and no jurisdiction at all, then the United States court must accept that as law. According to Indian law and international law, however, Congress has no power to terminate another nation's government. United States law is especially important because, in one way or another, many important cases end up in federal courts, and the federal government may enforce its decisions by force if necessary. So, it is useful to know what the United States law is concerning jurisdiction, no matter how wrong or ridiculous it may be compared to Indian law, international law, or common sense.

Since the founding of the United States the sovereign jurisdiction of Indian governments over their own people and territory has been gradually worn away. This has happened in many ways. Often, the federal government has forced its jurisdiction on Indian people; just as often the federal and state governments have gradually, almost unnoticeably, taken over certain government powers; in some cases Indian governments have willingly given up some of their jurisdiction in treaties or other agreements.

The mechanism for the destruction of Indian jurisdiction was laid in the United States Constitution, adopted in 1789. The Constitution did not, in itself, take away any Indian authority, but it gave to Congress and the Executive Branch of the federal government the authority which was later used to invade Indian jurisdiction. The Constitution gives Congress power to "regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." This is the only direct grant of power to Congress concerning Indians in the Constitution. The other powers which are indirectly related to Indians are the power of the President, with the ratification of the Senate, to make treaties, the power of Congress to make war, and the power to control the property of the United States, and miscellaneous powers granted by the Constitution.

It is important to realize that the Constitution does not actually give the federal government any authority to govern Indian people in Indian territory. Yet it is often said that Congress has "plenary" power (meaning complete authority) to

govern Indians and Indian land, based upon one or more of these provisions in the Constitution. The United States courts, for the most part, refuse to say whether this is legal or not. The courts say that the legal status of Indian nations is a "political question" which they cannot decide. As a result Congress, as well as the Executive Branch, has been largely free to infringe on Indian jurisdiction and sovereignty even without any clear constitutional power to do so. Is this a just and honorable use of power?

In the early years, Congress never sought to assert plenary power or general authority over Indian governments or Indian territory. Indian jurisdiction was, officially at least, carefully respected. One of the earliest acts of Congress, the Northwest Ordinance of 1787, stated:

...The utmost good faith shall always be observed toward th Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them and for preserving peace and friendship with them. (1 Stat. 50.)

This statute, and the later Trade and Intercourse Acts of 1790, 1793, and 1796, carefully respected the jurisdiction of Indian governments over their own people and territory. If Congress thought that it had plenary power over Indians these years, it certainly gave no indication of it in these acts.

During this early period, several states, particularly New York and Georgia, repeatedly invaded Indian jurisdiction. In spite of treaties and federal laws limiting state jurisdiction, Indian people were commonly arrested and tried by state courts for alleged offenses in Indian territory. Although these were "official" acts, they were of the same legal character as vigilante violence against Indians. These illegal acts by the states were eventually brought partially under control by the federal government, and they are no longer viewed as valid legal acts. One wonders if some acts of the federai government also may someday be put down as simply illegal and invalid in the eyes of the world.

Concurrent Jurisdiction

During this same early period, several states. as well as the federal government, passed laws to punish non-Indians for offenses committed in Indian territory. For example, a non-Indian could be punished for trading in Indian territory without a federal license. This practice, however, did not necessarily take away or interfere with Indian jurisdiction. It is a well-settled law of all nations that each nation has jurisdiction over its own citizens wherever they may be. Each nation also has jurisdiction over all people in its territory. So, the non-Indian unlicensed trader could also be dealt with by the Indian nations for any offense he might commit.

This is what is meant by "concurrent" jurisdiction: two different governments have jurisdiction over the same matter at the same time. The federal government has jurisdiction because the trader is a United States citizen, and the Indians have jurisdiction because he is in their territory. When there is concurrent jurisdiction such as this, each government must exercise its jurisdiction in a way which does not interfere with the other government.

"THE CONSTITUTION GIVES CONGRESS POWER TO "REGULATE COMMERCE WITH FOREIGN NATIONS, AND AMONG THE SEVERAL STATES, AND WITH THE INDIAN TRIBES..." THE CONSTITUTION DOES NOT ACTUALLY GIVE THE FEDERAL GOVERNMENT ANY AUTHORITY TO GOVERN INDIAN PEOPLE IN INDIAN TERRITORY."

Consistent with this principle, one of Congress' first steps in extending United States law further into Indian territory nevertheless showed respect for Indian jurisdiction. In 1817 Congress passed the General Crimes Act which made federal criminal laws generally applicable in Indian territory, even against Indian individuals. With minor modifications, that statute is still in force:

Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

This section shall not extend to offenses committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively. The 1817 General Crimes Act made all United States criminal laws applicable to Indian Country except

where that application would violate treaties and except for crimes by one Indian against another. The law was reenacted later. In those early years, Congress understood clearly that it had no actual right to punish Indians for acts in Indian territory, but Indians could be punished under the 1817 law for certain crimes against non-Indians.

Clearly, Congress intended to respect Indian jurisdiction and treaty rights especially. But how could Congress justify applying United States law to Indian territory, which for most purposes was treated as a separate nation where United States law had no force?The answer is that certain Indian nations and the United States had agreed upon this in earlier treaties. Assuming that the treaties were understood by the Indian nations, the nations had agreed to permit the United States to have limited criminal jurisdiction in Indian territory. The General Crimes Act, then, implemented certain agreements between Indian nations and the United States.

The problem is that the General Crimes Act was not limited to those nations which had agreed to accept the United States jurisdiction in treaties. Instead it could be interpreted as applying to all of Indian country—except where this was specifically prohibited by other treaties. As years have passed, no United States court has seriously questioned how far this statute was meant to go. It is generally applied to Indian country everywhere. In any event, it is clear that Congress intended for United States jurisdiction to be concurrent with Indian jurisdiction in Indian country, rather than to replace or override it. Over the years, this too has been forgotten.

The McIntosh Case and the Political Question doctrine

A more important blow to Indian jurisdiction occurred in 1823 when the Supreme Court made a landmark decision which opened the way for unlimited takeover of Indian jurisdiction. The case was *Johnson & Graham's Lessee v. McIntosh.* The decision in this case did not concern jurisdiction directly but concerned the legal rights to Indian land. In the *Johnson* case, the people who brought the suit claimed they owned a tract of land which had been granted to them as individuals by the chiefs of the Illinois and Piankeshaw Nations before the American Revolution. The court decided that the grant from the Illinois and Piankeshaw chiefs was not valid because, according to the court, the Indian governments did not have the ultimate legal right to the land. The court found that the United States claimed sovereignty over the land and claimed to have the ultimate title to the land even though it was occupied by the Indian nations. Chief Justice John Marshall was unable to find any legal or logical reason to support the United States' position. But he decided that in matters such as this the courts could not question the position taken by the United States, no matter how illegal or immoral it might be.

That was the beginning of what is called the "political question doctrine." This doctrine or rule is that on certain subjects the courts will not rule on whether the United States has acted legally or not. There are a number of these "political questions" which the courts will not look into, and some of the main areas involve Indians. For example: if a treaty is signed and ratified, the courts will not decide whether it is legal or whether it was fraudulent or improper; the courts will not question what the United States claims as its national boundaries; even more important, the courts will not make an independent legal decision on "the status of Indian nations." On these subjects, whatever the federal government (Congress and the Executive) says or does will be accepted without question by the courts, no matter how unjust or unfair and no matter how much it may violate international law and morality.

For Indian jurisdiction, this means that Congress or the Executive Branch can take whatever jurisdiction they wish over Indian land, and the federal courts will not say a word to prevent it. If this jurisdiction interferes with Indian jurisdiction, the federal courts will recognize and enforce federal jurisdiction without question. This does not mean that what the federal government has done in invading Indian jurisdiction is legal or just according to international law or other accepted principles. But in practical terms it means there is no law in the United States governing the extent to which Congress and the Executive can invade Indian jurisdiction. The "political question doctrine" operates in case after case to give the appearance of legality to the actions of the United States toward Indian governments.

State Power: Cherokee Nation and Worcester

Although the federal courts refused to decide how far the United States could go in taking away Indian jurisdiction, they did define the extent to which *state* governments could exercise jurisdiction over Indian territory. The federal courts also

decided what was left of Indian sovereignty after federal statutes and policies had eroded it. The first major cases dealing with state power and Indian jurisdiction were the two cases involving the Cherokees. These cases were two-edged in their effect. They speak strongly of Indian sovereignty and freedom from state jurisdiction, and they reflect the international character of Indian nations and Indian affairs. On the other hand, these cases loosely describe the Indian nations as "domestic dependent nations," rather than "foreign" nations, and they were said to be like wards of the federal federal government. The two cases were *Cherokee Nation v. Georgia,* decided in 1831, and *Worcester v. Georgia,* decided in 1832.

The Cherokee cases arose out of the efforts of the State of Georgia to destroy the Cherokee Nation and take their lands, in violation of United States treaty commitments to the Cherokees. The Cherokee Nation eventually filed suit against Georgia in the United States Supreme Court. But the constitution, Article III, woulc permin such a suit in the Supreme Court only if the Cherokee Nation were a "Foreign State," as those words were meant in the Constitution. After a review of what the framers of the Constitution had intended when they wrote "Foreign State," the Court concluded that they did not mean Indian nations. That is really all the case stands for. It does *not* rule that the Indian nations are not nations within the meaning of international law.

This case is most often remembered fro some of the comments made by the court. Even though these comments did not have the force of law, they were repeated and applied in hundreds of later cases to deny Indian jurisdiction and justify a multitude crimes against Indian people. Chief Justice Marshall wrote:

They (Indian nations) may, more correctly, perhaps be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases. Meanwhile they are in a state of pupilage. Their relationship to the United States resembles that of a ward to his guardian.

Here we can see again how the political question doctrine works. One reason Marshall calls Indian nations "dependent" and "domestic" is that the United States claims title to the Cherokee land. But, as we saw in *Johnson & Graham's Lessee v. McIntosh,* this U.S. claim to aboriginal Indian land is not a legal claim at all, only a political position taken by the United States which the Supreme Court refused to question. Marshall himself had admitted there was no basis for the assertion in established legal principles. So, when he uses this proposition to explain why Indian nations are to be called "domestic dependent nations" in a "state of pupilate," it becomes clear that his opinion is based upon political positions taken by Congress and the Executive Branch. It is not a position based upon independent legal principles. Marshall's remarks do not state what the law is but what the political position of the United States is.

In the second of the two Cherokee cases,*Worcester v. Georgia,* the question was how far the state governments could go in applying their laws to Indian country and Indian affairs. In this case a white missionary was imprisoned by the State of Georgia, because he was living in Cherokee territory with the permission of the Cherokees but in violation of Georgia laws. The Supreme Court decided that the state had no authority to enact laws governing relations with the Indian nations. The authority to do that belongs exclusively to the federal government, the Court decided. The Chief Justice John Marshall said in the Court's opinion:

The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of congress. The whole intercourse between the United States and this nation, is, by our constitution and laws, vested in the government of the United States.

This decision in *Worcester v. Georgia* completely shut out state jurisdiction in Indian matters. But, as we might expect, this decision was not enforced or respected. No court decision since *Worcester* has taken such a strong position, but the basic principle of the decision is still good law. It must be remembered, however, that the United States freely violated its own law whenever it chose to do so.

In the *Worcester* case president Jackson refused to enforce the Supreme Court's order and left Worcester languishing in the Georgia prison. The Court's order was just so many words on paper. In spite of the Court's decision, the actual independence and jurisdiction of the Cherokee Nation was reduced by the refusal of the United States and Georgia to abide by the law of the land. This pattern has been repeated many times since then.

"...ON...POLITICAL QUESTIONS...WHATEVER THE FEDERAL GOVERNMENT SAYS OR DOES WILL BE ACCEPTED WITHOUT QUESTION BY THE COURTS, NO MATTER HOW UNJUST OR UNFAIR AND NO MATTER HOW MUCH IT MAY VIOLATE INTERNATIONAL LAW AND MORALITY."

Treaty Agreements Affecting Jurisdiction

At the same time that Indian jurisdiction was being whittled or blasted away by court decisions, acts of Congress and administrative action, jurisdiction also was slipping away occasionally through certain treaties. For example, the treaties mentioned earlier (Treaty with the Sac and Fox, 1804, 7 Stat. 84; Treaty with the Osage, 1808, 7 Stat. 107) authorized the United States to punish certain crimes in Indian territory. The Treaty with the Cherokees of 1866 (14 Stat. 799) includes an agreement that the United establish a court in the Cherokee territory. In general, however, the treaties do not give up jurisdictional power, and one must always recall that treaty terms are to be interpreted as the Indian parties would have understood them. Furthermore, the terms of a treaty affect *only* the Indian nations who signed. If the Cherokee Nation gave up part of its jurisdiction to the United States, that does not give the United States any additional authority at all over other Indian nations. To repeat, each Indian government must be looked at individually to learn what powers have been lawfully given up or retained.

The Rogers Case: Further erosion

Another blow was struck against the Cherokee Nation in *United States v. Rogers,* decided in 1846. Rogers, a non-Indian, was indicted by the federal government for murder of another non-Indian in Cherokee territory—that is, the territory to which the Cherokees had been moved over the Trail of Tears. He argued in his defense that he had been adopted into the Cherokee Nation. This argument was rejected and Rogers' conviction was upheld. As explained earlier, it is not necessarily a violation of Cherokee jurisdiction for the United States to punish one of its own citizens, even though the crime took place in Indian country. So, the case did not actually decide anything new. Once again, however, the Court made many remarks which were not legally binding but which have been used repeatedly to justify violations of Indian sovereigntv. Justice Taney, who wrote the opinion, attempted to deny that Indians had ever constituted a nation:

The native tribes who were found on this continent at the time of its discovery have never been acknowledged or treated as independent nations by the European governments nor regarded as the owners of the territories they respectively occupied.

This is, of course, factually incorrect. History shows that several European nations, including Britain, France and Holland dealt with the Indian nations as independent nations. entering into treaties with them as they did with other foreign nations. Of course the United States did likewise.

Justice Taney thought that the United States had almost unlimited power over Indians. He did not rely on any legal authorities for support because there were none. What Taney said was that whether or not to exercise power over Indians was a political question—a question for the "law-making and political departments," that is, Congress and the Executive. He refused to decide whether this power over Indians was proper by saying it was not a question for the courts. Taney said the United States could punish any crimes it wished in Indian country. Here are his words:

...But had it been otherwise, and were the right and propriety of exercising this power now open to question, yet it is a question for the law-making and political departments of the government , and not for the judicial. It is our duty to expound and execute the law as we find it, and we think it too firmly and clearly established to admit of dispute, that the Indian tribes, residing within the territorial limits of the United States are subject to their authority, and when the country occupied by one of them is not within the limits of one of these, Congress may by law punish every offense committed there, no matter whether the offender be a white man or an Indian.

Although the *Rogers* case was damaging to Indian jurisdiction, years later, in 1866, the Supreme Court decided a different case which helped somewhat to protect the Indian nations from the continual efforts by states to invade their sovereignty. Kansas had tried to tax Indian lands within the state boundaries. The Supreme Court reasserted that the state law has no force with respect to Indian property.

If the tribal organization of the Shawnees is preserved intact, and recognized by the political department of the government as existing, then they are a "people distinct from others," capable of making treaties, separated from the jurisdiction of Kansas, and to be governed exclusively by the government of the Union. If under the control of Congress, from necessity there can be no divided authority.

Conferring rights and privileges on these Indians cannot affect their situation, which can only be changed by treaty stipulation, or a voluntary abandonment of their tribal organization. As long as the United States recognizes their national character they are under the protection of treaties and the laws of Congress, and their property is withdrawn from the operation of State laws.

It would still be many years before the states got their foot in the door to Indian Country.

Expansion of Federal Jurisdiction

An important expansion of federal jurisdiction in Indian territory came in 1870 when the Supreme Court decided that the United States could impose a tax in Indian territory. In the *Cherokee Tobacco Case*, the Court decided that a federal tax law which applied "anywhere within the exterior boundaries of the United States," could be enforced in Cherokee territory, even though the law didn't mention Indian territory and even though the United States had made a treaty only two years earlier which exempted the Cherokees from taxation. The Court did not ask how or where Congress got the authority to pass laws for the Cherokees. The Court just took it for granted that Congress had jurisdiction to do whatever it wished with respect to Indians. There is nothing in the case showing that the United States got this jurisdiction legally. In fact it was totally illegal under international law. We can only repeat: the cases dealing with United States and Indian jurisdiction have *nothing to do with law.* The only rule the United States has consistently followed is that might makes right, and the courts have never interfered with that policy.

Limited State Jurisdiction

Limited state jurisdiction in Indian territory became established a year later when the Supreme Court decided United States v. McBratney. This case held that a state could punish a non-Indian for a crime against another non-Indian committed in Indian territory under certain circumstances. In this case, Colorado was given this jurisdiction by the Act of Congress making Colorado a state. The Court found that the Act of Congress overrode earlier treaties. Remember that in Worcester v. Georgia, the state did not have jurisdiction to punish a non-Indian in Indian territory, because the Cherokee territory was protected from the state by treaties with the United States. But in the McBratney case, Congress ignored the treaties and gave the state limited jurisdiction.

"The only rule the U.S. has consistently followed is that might makes right, and the courts have never interfered with that policy."

The McBratney decision did not actually take away Indian jurisdiction. The real question was not whether the Indians could punish the man but whether the state government or federal government could punish him also. The court ruled that the state, not the federal government, could punish him, but nothing was said about Indian jurisdiction. Misunderstanding arises because it is often thought that if a state or federal government has a certain power or jurisdiction, the Indian government does not have that power. Not so. The Indian and non-Indian governments can have jurisdiction over non-Indians in Indian country. This is concurrent jurisdiction. But this principle was not often remembered until recently.

Minor Acts Taking Jurisdiction

In this chronology or legal history of Indian jurisdiction, we have so far pointed out only the major landmarks. But throughout this history there have been countless lesser acts, scarcely noticeable by themselves, that have limited Indian jurisdiction. These developments, beginning with the General Crimes Act in 1817, set the stage for the Major Crimes Act which was to come in 1885.

As stated earlier, the 1817 General Crimes Act made all United States criminal laws applicable to Indian country except where that application would violate treaties and except for crimes by one Indian against another. The treaty exception, however, was changed when the law was reenacted later. In those early years, Congress clearly understood that it had no actual right to punish Indians for acts in their own territory, but Indians could be punished under the 1817 law for certain crimes against non-Indians. Originally this punishment was done by treaty agreement or by 'courtesy' that is, with the agreement of the Indian government involved. It is said that the Indian governments feared revenge from their white neighbors if Indians accused of crimes against whites were not turned over for prosecution. In many instances this fit perfectly with the Indian customary law which called for banishing certain criminals. However, these original understandings were forgotten or deliberately overlooked by the United States Government. Congress began to believe it had the right to pass laws governing Indian people in their own land.

Thus, in 1854 Congress passed a law making arson a crime in Indian country and making assault with intent to kill or maim a federal crime if committed by an Indian against a white or vice-versa. Already, federal officials had assumed the right of making arrests in Indian country. In 1858 the Commissioner of Indian Affairs was given power to remove anyone from a reservation who in his judgment was 'detrimental to the peace and welfare of the Indians.' This act shows the tremendous unbridled power that was being placed in the hands of the Commissioner.

During this same period of time, the Territorial Government of New Mexico began to pass laws affecting the Pueblos. One of the earliest territorial statutes, in 1847, made all the Indian lands and the Pueblos themselves subject to the civil jurisdiction of the territorial courts. That is, the Pueblo Indians could sue and be sued in the territorial courts in matters involving their lands or other property of rights. The acts of Congress relating to Indians were not considered to apply to the Pueblos unless Congress said so explicitly. For the most part the Pueblos kept their internal jurisdiction. It was not until New Mexico was made a state in 1910 that Congress assumed paramount authority over the Pueblos.

During the 1860's and 1870's Congress continued to enact minor laws, little by little extending federal jurisdiction into Indian country. In 1862 an act was passed to protect individuals who had taken private allotments on reservations. The law provided for withholding annuities, for punishing individual Indians, and for suspending from office chiefs who trespassed on alloted lands. Another act in 1865 made it a federal crime for anyone, except the agent for the tribe, to remove or sell livestock from Indian territory. Portions of these laws are still on the books. In 1871 and 1872, acts were passed prohibiting contracts for services related to Indian lands or claims against the United States, unless approved by the Commissioner of Indian Affairs and the Secretary of the Interior. These acts, mainly intended to control attorneys working with Indians, are still on the books.

In 1875 Congress passed a statute of a different kind which appeared to have nothing to do with jurisdiction. This statute directed agents who were to deliver supplies to first make a roll of the individual Indians and then to deliver the supplies only to heads of families and individuals – not to the heads of 'tribes or bands.' The agents were further ordered not to deliver supplies for more than one week in advance. This statute makes the individual Indians dependent on the Indian agent on a weekly basis; the Indian governments are ignored. This statute is an excellent example of how the United States has used economic power, its control over essential supplies, to break up the Indian governments and force the individual Indians to depend on the agent rather than their own government.

Laws such as this have the effect of reducing Indian jurisdiction by undercutting the power of

the Indian government and forcing Indians to accept federal authority in order to receive rations and other supplies which the United States was legally obligated to provide by treaty agreements. This 1875 statute is still in force, and this method of squeezing out or 'buying' out Indian jurisdiction still continues.

In the 1880's the Office of Indian Affairs (predecessor to the BIA) began to set up so-called 'tribal courts' which operated under agency regulations. These 'Indian' courts supposedly exercised the jurisdiction which was retained by the Indian governments, that is, not taken by the state or federal governments. The 'j udges' were selected by the Indian agent or superintendent. These 'courts' had three real purposes: (1) to protect the development of private property, especially allotments, which had been almost unknown to Indians before white invasion; (2) to suppress 'heathen' traditional activities, dancing, ceremonies and long hair, and thereby compel assimilation; and (3) to provide a source of free, convict labor for agency projects such as roads and ditches. These 'courts' created the need for jails and police as well. These were the forerunners of today's tribal courts. In the case of these early 'courts' it is clear that they were really an extension of federal jurisdiction—not genuinely a part of Indian government. It has been argued that many of today's tribal courts are little more than puppets. One federal court squarely decided that a tribal court functions in part as a 'federal agency,' Colliflower v. Garland.

The Major Crimes Act

Thus it was that in 1885 the Major Crimes Act was just another step—but a very large one—in forcing United States jurisdiction on Indian people. Under the Major Crimes Act, the United States assumed j urisdiction over certain 'major' crimes when committed by one Indian against another in Indian country. This act made it a federal crime for an Indian in Indian country to commit murder, arson, burglary, manslaughter, rape, assault with intent to kill, or larceny against another Indian. This was the first major statute asserting federal jurisdiction over purely Indian matters in Indian territory. This act was an absolute invasion of Indian sovereignty and a direct violation of nearly every Indian treaty ever made by the United States. This statute is still in force, although the list of 'major crimes' is now longer.

By 1885, the courts had made it clear that they would not disapprove any congressional action regarding the Indian nations even if it violated treaties or international law. The Executive Branch barely pretended to respect treaty agreements. In this setting, the Major Crimes Act was scarcely challenged. There was no one to ask or wonder whether Congress had the lawful power to pass laws such as this.

The only case to give serious consideration to the act was United States v. Kagama, decided in 1886. In this case the Supreme Court was called upon to decide whether the Major Crimes Act was valid. The Court concluded that it was, relying on the old 'political question' cases, Cherokee Nation, Worcester, and Rogers, which were discussed earlier. Justice Miller searched the Constitution but failed to find any provision which gave Congress power to pass this law. Finally he relied on this reasoning:

because the territory involved supposedly belonged to the United States, the United States had the right to govern. He quotes from an opinion by John Marshall:The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source from whence the power is derived, the possession of it is unquestioned.

He also quoted the portion from the Rogers case which states that Indians are subject to the authority of the United States and that the exercise of this authority is a political matter which the courts may not question. The court stated that the territory in question was purchased by the United States from Mexico by the treaty of Guadelupe-Hildago. Justice Miller did not question how the United States got the land from the Indian nations, which were recognized in the treaty as beyond the political control of the United States. That, too is a political question—the courts have no power to look into that. Thus, Kagama is really just another 'political question' case in which the court upheld the power of Congress by refusing to look into the underlying questions.

"True Indian jurisdiction is spelled out and defined by Indian law and tradition, not by United States law."

The Allotment Act

Just two years after the Major Crimes Act came an even more devastating act of Congress: the General Allotment Act of 1887. This statute was designed to 'break up the tribal mass,' make 'civilized' farmers of the Indians, and most importantt, to open up the Indian lands for white takeover. The act authorized the President to 'allot' (give or set apart) Indian reservation lands to individual Indians. The title to the land alloted to an individual was to be held in trust for 25 years or longer, and during this time the land could not be sold or mortgaged by the individual. At the end of the trust period, the individual was to be given a 'patent fee.' That is, the individual then got individual title to the land, free and clear.

If the allottee (the one who gets the allotment) dies during the trust period, the allotment goes to the heirs according to state or territorial law. After the trust period the land is subject to state taxation and to other state laws. The allottee can sue or be sued in the state courts. The allottee can sell the land or lease the land to anyone, white or Indian. The result of all this has been that some 90 million acres of Indian land has been 'legally' turned over to non Indians. The reservations which were subject to allotment are now checkerboards of white and Indian land. How does allotment concern jurisdiction?The invasion of Indian jurisdiction here is easy to overlook. The Allotment Act gave the President power to take land away from Indian nations and give it to individual Indians. It was based on the idea that the United States actually owned all the Indian land and could do anything it wished, whether the Indians agreed or not. In other words, the United States now claimed total power and dominion over all Indian territory. But many Indian nations strenuously resisted allotment, and the United States was never able to exercise fully all the power it claimed.

Not only did the Allotment Act take land from the Indian governments, but the land that was taken was to come under state law, not Indian or United States law at the end of the trust period. State law governs everything having to do with the land once it is out of trust: how the land may be bought and sold; how it may be taxed or even condemned by the state; how it may be mortgaged; how the property may be used, leased or willed; how the land will be distributed to heirs, and so on. It is a direct violation of nearly every Indian treaty ever made by the United States. This statute is still in force, although the list of 'major crimes' is now longer.

Many allotments are within established reservation boundaries. Jurisdiction is different in some ways over these allotments than over allotments which are not within a reservation. Within a reservation, criminal jurisdiction (law enforcement) is the same either on or off an allotment no matter who owns it.

However, an allotment which is not within a reservation is just like any other land in the state, once the trust period is over. The state and federal governments have jurisdiction over all civil and criminal matters just as though the land were not Indian at all. In some areas after allotments were made, the remainder of the reservation was sold off and 'disestablished.' n this happens, Indian jurisdiction over the alloted land is lost when the trust period ends.

The Allotment Act intended to give the states even greater jurisdiction over allotments and the Indians who took allotments. The Act stated that 'each and every allottee shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside.' This part of the Act was amended in 1906 so that state law doesn't apply until after the trust period. In fact, this statute is still in existence. However, this section has proven to be almost a dead letter, because states have rarely used the jurisdictic it permits. A 1948 act making allotments within existing reservations part of 'Indian country' for purposes of criminal jurisdiction gives the federal government jurisdiction over the allotments and allottees the same as other parts of the reservation. This means the states could at most have concurrent criminal jurisdiction along with the United States over allottees on the reservation.

How far a state could go in exercising civil jurisdiction under this law is not clear. Civil jurisdiction means the Indian must abide by the state law or else be sued in the state courts. It means the Indian is subject to state court orders, state administrative proceedings and so on. Neither Congress nor the Supreme Court nor the state has paid much attention to this statute. The fact that this statute has lain forgotten and almost unused for so many years may mean that it is now legally inoperative even though it has not been repealed. On the other hand, states may someday seize this vehicle for exercising greater control over Indians and Indian country.

"It is useful to know what the U.S. law is concerning jurisdiction, no matter how wrong or ridiculous it may be compared to Indian law, international law, or common sense."

Assimilative Crimes Statute

In 1825, Congress passed the Assimilative Crimes statute which incorporates state criminal law into the federal law. This statute greatly expanded the number of crimes which could be tried by federal courts when the offenses were committed by Indians or others on Indian land. If a certain act would be a crime under the law of the state, then this statute makes it a federal offense if done on a reservation and if it was not already a crime under some other federal law. For example, there is no federal statute which says simple assault is a federal crime on an Indian reservation. But it is a crime under the law of each state, so simple assault can be prosecuted in the federal court under the Assimilative Crimes Statute when it is committed in Indian country.

The Assimilative Crimes Act did not cover crimes by one Indian against another, or crimes which by treaty were to be handled by Indian governments. The Act was almost never used to presecute crimes in the Indian country during the 19th century.

Indian Reorganization Act of 1934

The Indian Reorganization Act IRA) of 1934 (48 Stat.987) established a new scheme of federal regulation of Indian Affairs. The Act ended the making of allotments and, for the most part, stopped the loss of Indian land. In place of the old policy, which had to bring about assimilation, Congress substituted a new and sophisticated program which ahs had the effect of ,'buying up' remaining Indian sovereignty by ofering limited federal rights and federal economic aid in exchange for the further religquishment of Indian sovereignty and jurisdiction.

Section 16 of the Act says that an Indian group may adopt a constitution and bylaws by majority vote, but only under the supervision of the Secretary of the Interior and only with his approval. When such a constitution is adopted, it can only be changed by the same process, and only with the approval of the Secretary. Under international law, a sovereign nation does not need the permission or approval of another nation to adopt a constitution. Many Indian nations had, and some still have, constitutions older than the United States itself. What the Indian Reorganization Act was really saying was that if a group of Indian people followed the procedures of the Act, they could be assured of federal recognition. In particular, the Act promised that the United States would respect certain rights of a 'tribe' adopting a constitution under this statute: the right to hire a lawyer (subject to federal approval); the right to prevent further loss of Indian land; and the right to negotiate with federal, state, and local governments. These are rights which the United States certainly should have respected out of simple fairness and morality. But in exchange for these promises the 'tribes' adopting IRA constitutions had to place their whole government, constitution and all, under the absolute control of the Secretary of the Interior.

It is now widely recognized that the Bureau of Indian Affairs wrote and promoted nearly all the constitutions that were adopted under the IRA. In some cases considerable pressure was applied for tribes to adopt Bureau-written constitutions, and the results of the 'elections' held by the Bureau to adopt these constitutions have been called into question. Under the statute, Indian groups could vote whether to accept or reject the IRA. But the Secretary (the Bureau) runs the referendum. In his recent book, BEHIND THE TRAIL OF BROKEN TREATIES (1974), Vine Deloria, Jr. described how the voting was handled:

The Bureau of Indian Affairs counted as affirmative votes those Indians who had refused to vote. The traditional method of indicating displeasure or disapproval in many tribes was to boycott the proceedings. When many traditional Indians refused to vote in the referendum, they believed that by not voting they were indicating their refusal to accept the Act. When they discovered that the government had counted them as affirmative votes, they were livid and helpless to reverse the decision. The Bureau insisted on and wrote into nearly all the IRA constitutions a provision giving the Secretary of the Interior power to veto any act of a 'tribal' council for any reason, legal or otherwise. This was not called for at all by the IRA itself, but since all the constitutions had to be approved by the Secretary he could demand and get this kind of dictatorial power.

Section 17 of the IRA offered another kind of trade. Indian governments which adopted IRA constitutions could also become federally chartered corporations with power to purchase and manage property as a corporation and generally to operate as a business corporation. As a corporation the tribe has increased access to federal programs and federal funds as well as increased business advantages in the 'mainstream' of the United States economy. But in return for these economic advantages, the tribe, as a corporation, becomes legally a creation of the federal government, subject to suit in state or federal court to the extent provided by the charter, and entirely subject to federal law and acts of Congress.

All of this does not mean that the IRA 'took away' sovereignty or even that Indian groups who adopted IRA constitutions have lost their sovereignty. In fact many people who had lost their original governments have been able to pull together new governments under the IRA. What the IRA does show is that the United States has such tremendous power, economically, politically, militarily, that it can control Indian people and Indian land in almost any way it pleases, without regard for Indian sovereignty. This control is what 'jurisdiction. is all about. The IRA also shows how jurisdiction, meaning actual control over Indian people and resources, can be 'bought and traded' on terms which the United States sets and which the Indians often can't refuse.

Expansion of State Jurisdiction

The next major changes in jurisdiction came in 1948, 1950 and 1953. During this period Congress began to grant the states wide powers over Indian people. The first two statutes enacted in 1948 and 1950, concerned only New York State. These statutes gave the New York courts almost complete civil and criminal jurisdiction over the Indian reservations in the state. There is evidence that this was meant to give the state concurrent jurisdiction along with the Indian governments, but that is not settled. The statutes were in violation of many treaties.

The statute also gave all other states the consent of Congress to assume civil and criminal jurisdiction over Indian country by making appropriate changes in their state constitutions or laws. Several states chose to assume only limited jurisdiction. Nevada, Florida, Idaho, Iowa, South Dakota, North Dakota, Montana, Arizona and Washington have assumed at least some jurisdiction under P.L. 280. In 1968 the law was amended to require the consent of the Indian people concerned before states could assume further jurisdiction. Obviously, the taking of jurisdiction by states without the consent of the Indian people was a gross invasion of Indian sovereignty and in most cases a further violation of the treaties.

Indian Civil Rights Act & Miscellaneous Laws.

The final piece of legislation to date relating to jurisdiction was the 1968 Indian Civil Rights Act. This law placed on Indian governments many restrictions which had not existed before. Prior to this law, the Indian governments were required to obey their own constitutions and to abide by the applicable federal and state laws. If they did not, they might be sued or prosecuted. But there was no state or federal law which required Indian governments to follow 'due process of law,' to give a trial by jury, to respect freedom of speech, and so on. The state and federal governments are prevented from violating these rights by the Bill of Rights and the other amendments to the United States Constitution. But the United States Constitution does not apply to Indian governments. Loosely speaking, the Indian Civil Rights Act applies the Bill of Rights, with a few exceptions, to all Indian governments. If an Indian government violates the act, the responsible persons may be sued in a federal court. The federal court may then order the Indian government to abide by the act, and, if necessary, the court's order may be enforced by federal marshals. This is an especially powerful law because it applies to all Indian governments, not just those set up under federal laws, and it is imposed whether Indian people consent or not.

In this history, we have not mentioned all of the miscellaneous laws that have been passed from time to time. There have been a great many acts dealing with such subjects as tax, water rights, civil proceedings and probate, which, in one way or another, changed jurisdictional powers. But most of these have been limited to a particular state or area, or a particular Indian group.

Lawsuits in Federal Court.

There are two problem areas that are not very well covered by this historical outline. The first is what kind of civil jurisdiction do the federal courts have in Indian affairs. The second is how far can the state governments go in dealing with activity in Indian country which does not relate to Indians. To answer these questions fully is not possible here, but a brief explanation may be helpful.

The federal courts have been given jurisdiction over cases (that is, law suits) 'arising under the Constitution, laws, or treaties of the United States.' This includes Indian treaties. Obviously, this gives the federal courts wide power to decide cases which depend on Indian treaties or on federal laws dealing with Indian affairs, but it does not mean that federal courts have jurisdiction over all cases involving Indians. Federal courts will not take jurisdiction of a suit unless the person suing actually rests the case squarely on a treaty, federal law or the Constitution. The most recent case explaining this subject is *Oneida Nation v. County of Oneida.*

Another class of cases which is almost always taken to federal court is those in which the United States is a party. In many cases involving the protection of Indian land, the United States may file a suit in the federal court in behalf of the Indians whose property is involved. Or, the United States may be the defendant, for example, if an Indian government were to sue the United States for squandering Indian resources. Such a suit would have to be in the federal court. On the other hand, an Indian government itself is immune from suit in any court, even federal court, except where Congress has specifically made it subject to suit. For certain purposes, courts have decided that the Indian Civil Rights Act makes Indian governments subject to being sued in federal court. Also it should be recalled the Indian land or other property which the United States claims as 'trust' property cannot be dealt with by any court unless the United States is made a party to the suit.

When federal courts decide a case which involves matters arising in Indian territory, we ought to ask again: By what right does the court have such power: The answer, in general, is that Congress

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Peltier Convicted

"What your tax dollar pays for."

A Fargo, North Dakota jury of nine women and three men returned a verdict of guilty against American Indian Movement leader Leonard Peltier on April 18, 1977. Peltier was accused of first degree murder in connection with the deaths of two FBI agents on the Pine Ridge Reservation in South Dakota. The incident occurred on June 26, 1975.

Two FBI agents had gone to the home of the Jumping Bull family in Oglala on the day of the shootings. They were allegedly there to serve warrants, though the FBI later admitted that they carried none at the time.

An Indian man, Joe Stuntz, also died in the shooting that occurred there that day, but no one has been charged with his murder. Meanwhile, three other Native people originally charged with Peltier in connection with the FBI agents' deaths have been cleared.

The jury deliberated 10 hours and returned the verdict to a virtually empty courtroom guarded by eleven marshals. Although over 50 spectators waited outside, Judge Paul Benson refused to allow them to enter on the advice of the Deputy Regional Director of the U.S. Marshal Service. Before the jury returned, Peltier said in a telephone interview that he had not received a fair trial because of Judge Benson's complete bias and racism.

Judge Benson was the dominant factor in the trial. He rejected virtually every motion and claim of the defense. A major aspect of the defense strategy involved exposure of manufactured and tampered evidence.

The prosecution produced a government witness who testified that he was able to identify Peltier through a rifle telescope from a half mile away on the day of the incident. The defense produced expert witnesses who testified that it was impossible to identify anyone from even half that distance with that telescope. Judge Benson would not allow the defense to actually demonstrate to the jury that the witness was, at best, mistaken in his testimony.

An FBI report, credited to the first agent to reach the bodies, is alleged to have shown on its face that it was dictated on June 30, 1975, and typed on June 26, 1975. The defense contended that the first four pages of the report had been retyped, and tried to introduce evidence that the report had been typed on two different typewriters. Judge Benson refused to allow any of that in evidence. In fact, he refused generally to allow and FBI reports into evidence.

Observers stated that the head of the FBI crime laboratory from Washington, D.C. signed an affidavit that he personally discovered a .243 rifle shell case in the trunk of agent William's automobile. At the trial, he testified that somebody else found it.

The defense contended that examination of the evidence indicated that FBI reports showing the discovery of the shell casing were actually filed and July and August AFTER the FBI had found the gun in faraway Wichita, Kansas. If that can be proven (and the defense insists it can) such proof would cast a great shadow on the credibility of the FBI and its evidence. But Judge Benson refused generally to allow questions about the evidence.

The defense of Peltier lasted less than one week, and centered on the FBI threats used to extract affidavits from witnesses. Much of the testimony, though, was revealed in closed hearings which the judge did not allow the jury to hear.

At one such hearing, Myrtle Poor Bear, whose three affidavits were primarily responsible for Peltier's extradition from Canada, revealed that FBI agents had coerced her into signing the affidavits saying she saw Peltier murder the agents. Over and over on the stand, she said she was afraid. Finally, she explained, "I'm scared of the government, of the FBI. They just keep talking about Anna Mae, how she died." (The body of Anna Mae Aquash, a Canadian Micmac AIM activist, was found on Pine Ridge in February, 1977. Many Oglala residents suspect government involvement in her death.)

Poor Bear said that the FBI had promised her a new name, given her money, and promised to move her out of South Dakota. She said she signed the affidavits without knowing what was in them, because the agent told her that she and members of her family would be harmed if she refused.

Myrtle said that she had never met Leonard Peltier, and that she had never even seen him prior to that day, incourt.

At the close of the hearing, Judge Benson ruled that Poor Bear's testimony was irrelevant, that she was not believable, and that her testimony would confuse and prejudice the jury. He also said something to the effect that it was obvious to him that she had been threatened.

The last defense witness was Norman Brown, a 17 year-old Navajo who had testified earlier for the prosecution. He explained that out of fear he had given

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gave the court jurisdiction. In a few instances, Indian nations consented or agreed to federal court jurisdiction, but in general this has not been so. As an historical matter we do not find the federal courts deciding civil cases or law suits involving Indian matters to any great extent until after the end of treaty making (1871) and shortly before the Major Crimes Act and the Allotment Act. It was during this same period that Congress began to assume that it had absolute control and authority over Indian land and Indian people. The federal courts seem simply to have exercised the power given by Congress without questioning whether that power might be limited by a consideration of Indian sovereignty.

For the state courts, however, the matter was quite different. State court jurisdiction over suits involving matters in Indian country has always been quite limited. The principle of *Worcester v. Georgia* applied to civil suits as well as criminal cases. In *Williams v. Lee*, the Supreme Court ruled that state that state courts do not have jurisdiction over a suit against an Indian to collect money for goods sold on the reservation. The Court summarized United States law on this subject this way:

...Thus, suits by Indians against outsiders in state courts have been sanctioned....And state courts have been allowed to try non-Indians who committed crimes against each other on a reservation....But if the crime was by or against an Indian, tribal jurisdiction or that expressly conferred on other courts by Congress has remained exclusive....Essentially, absent governing Acts of Congress, the question has always been whether the state action infringes on the right of reservation Indians to make their own laws and be ruled by them.'

In a more recent case, *McClanahan v. Arizona State Tax Commission*, the court further clarified the limits of state powers. The court pointed out that where Indians on Indian land are involved, the extent of state jurisdiction must be determined by reading the applicable treaties and federal statutes. As discussed earlier, Congress has enacted in Public Law 280 a statute setting up a procedure by which states can assume jurisdiction over Indian territory with Indian consent. The Supreme Court repeated its earlier decision that a state can get jurisdiction over Indian country *only* if it follows the procedure set out in the federal statute (*Kennerly v. District Court*). Therefore, in order to know exactly what power or jurisdiction states and state courts have with respect to Indians, it is necessary to refer to the federal statutes and the state statutes as well to find out to what extent the state has taken jurisdiction. Each state will be different and must be examined separately.

There are many questions and problems which we call "jurisdiction" problems that have not even been mentioned here. What we have tried to do is not to answer all the questions, but to give an overall picture of this complex area. We have tried to suggest a way of looking at and thinking about jurisdiction problems with the Indian point of view and Indian sovereignty foremost in mind. Hopefully, a knowledge of the disgraceful history of this subject will help to avoid further injustices.

–R.T. Coulter

ABOUT THIS ARTICLE

"A History of Indian Jurisdiction," was reepubished from a special issue of the AMERICAN INDIAN JOURNAL, a monthly publication of the *Institute for the Development of Indian Law.* IDIL was founded in 1971 to strengthen the rights of native people through legal and historical research and publication. As a non-profit organization, the *Institute* has concentrated on developing legal theories which support native sovereignty. The *Institute's* task is to ensure those rights which will enable native people to continue their way of life.

The *Institute* is an action research organization committed to native sovereignty, the encouragement of native self-confidence and self-government, and clarification of historical and legal

foundations of modern native rights. The AMERICAN INDIAN JOURNAL is the major communications unit of the *Institute* Monthly the AMERICAN INDIAN JOURNAL presents articles on in-depth issues of native life and the continuous struggle in the legal arena. Regular features of the JOURNAL are articles on treaties, jurisdiction, sovereignty, and the federal trust relationship. Included in the publication is information on legislation, administrative policies and agencies, and court decisions.

In addition to research and publication, the *Institute* and its staff are involved in a wide range of service activities to native governments and communities. At this time, *Institute* personel are involved in jurisdiction, policy, land claims and sovereignty issues concerning, among others, the Six Nations, Ganienkeh, The Great Sioux Nation, and the Eastern Seminoles. In the areas of both practice and theory, the *Institute* and its staff are probably the most effective and influential legal and educational native advocacy organization in the United States.

At the present time, the *Institute* is involved in a legal education workshop project designed to acquaint native governments and peoples with their rights under the laws of the United States and the laws of nations. Native groups are offered information and an intensive review of the areas of treaties, sovereignty, land claims, water rights, and jurisdiction. The *Institute* is also a major organizor of a project which will present the case of native peoples versus the European governments of the Western Hemisphere to the non-governmental organizations of the United Nations. That presentation is scheduled to take place this September (1977.)

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A Concept Of Native Title:

The Legal Terms In The Battle For Land

The following essay was submitted by Leroy Little Bear of the University of Lethbridge , Lethbridge, Alberta, to the Berger Commission, which is presently developing a report on the status of native land claims relative to the proposed Mackenzie Valley Pipeline project. Mr. Little Bear's thoughtful paper is presented here in an effort to stimulate thought and discussion on this crucial issue.

Presently in Canada, the issues of aboriginal rights and native land claims are issues of major concern. To date, the Canadian government and the Canadian people have not come to grips with these issues.

The present question of land claims deals almost exclusively with the issue of aboriginal title to lands. Three recent court decisions have attempted to deal with native title: *Calder v. Attorney General of British Columbia* referred to in layman's terms as the "Nishga Case". *Kanatewat v. James Bay Development Corporation* and its sequel, *James Bay v. Kanatewat*, better known as the James Bay Cases, and re *Paulette and the Registrar of Land Titles.*

In the Calder case, the Supreme Court of Canada held against the Nishga Indians of British Columbia. Their position was that, if the Nishgas had title, this title had long ago been extinguished by adverse acts on the part of the British Crown. The Court also reasoned that native title does not exist independent of legislation recognizing it.

At the Superior Court level of the James Bay cases, the judge held that native people had aboriginal title. But the Quebec Court of Appeals reversed the Superior Court's decision, and in essence held that there is no such thing as aboriginal title. They reasoned that no treaty had ever been signed in the James Bay area, therefore, no native title exists. But this, of course, is ridiculous reasoning because **treaties are a means of extinguishing title, not a means of creating it.**

In the Paulette case, the judge held that arguably the native people had a legally recognizable interest in the land despite the fact that the area claimed was covered by a treaty. He reasoned that the Treaty could not be interpreted as a total surrender and should be looked at as a peace and friendship treaty. At the Court of Appeals level, again, the lower court's decision was reversed. The Court of Appeals , in essence, held that a caveat could not be lodged against a Sovereign (in this case Canada) without its permission.

Important as these decisions are, the single most important decision is *St. Catherine's Milling and Lumber Co. v. the Queen.* The decision was handed down by the Privy Council. The Council held "that the tenure of the Indians was a personal and usufructuary right, dependent on the goodwill of the sovereign"; that there has been all along vested in the Crown a substantial and paramount estate, underlying the native title, which became a *plenum dominium* whenever that title was surrendered or otherwise extinguished." In other words, the British Crown, prior to the discovery of North America, has always had title to the lands in North America in an *a priori* sense. The results of the *St Catherine's Milling and Lumber Co.* case is a legal decision putting forth the proposition that the British, by simply setting foot on North America and planting a rag attached to a pole on the shores acquired the title to native lands.

The ritual of coming ashore and planting a flag, and the claiming of the land for the Monarch, is sometimes referred to as the Doctrine of "Discovery". The Doctrine of Discovery is one justification for claiming fee simple title to lands in North America. But the doctrine has been abused, misconstrued, and misinterpreted by the white man. Chief Justice Marshall of the United States Supreme Court, and one of the first to use the Concept of Discovery in his decisions, said, in the *Johnson and Graham's lessee v. MacIntosh* case that discovery was a doctrine meant to apply to the European powers for their own orderly conduct in dealing with the aboriginal people of North America. Hence, discovery was not meant to apply to native peoples. It was not meant to convey fee simple ownership.

To the contrary, discovery was analogized to a "business franchise". Just as a business franchise gives exclusive rights to the owner of the franchise to enter into business relations with people within the geographic area of the franchise as against others from the same company and selling the same product, discovery was meant to give a European power which came to the shores of North America a kind of franchise to deal exclusively with the native people whose territory covered or included the particular area "discovered" by the European people. A right to deal with people certainly does not convey ownership to their property.

Concerning native title to lands, most authorities reason that native peoples have no concept of property ownership and therefore, how could they have title? But this is non- sense! We claim to be one of the most advanced societies this world has ever known. It is time we put our intelligence to work in a way that will do justice to that claim! In order to understand the property concepts of any society, one must have some appreciation of the overall philosophy or habitual thought of that society.

and in this case, land, is wholistic. Land is communally owned. Native property ownership is somewhat akin to a joint tenancy: the members of a nation have an undivided interest in the land; everybody as a whole, owns the whole.

It is as though the original grantor of the land to the Native peoples put a condition on it..."so long as there are native people." "so long as it is not alienated" "on the condition that it is used only by native people", etc. This is not to state that they were or are incapable of conceiving a fee simple concept. If one attempts to trace the native source of title, one wil quickly find that the original source is the Creator. The Creator, in granting land, did not give the land to human beings only but gave it to all living things. This includes plants, sometimes rocks, and all animals. In other words, deer have the same type of estate or interest as any human being. This concept of sharing with fellow animals and plants is one that is quite alien to Western society's concept of land. To Western people, only human beings have a right to land, and everything else is for the convenience of human beings.

"Past and future generations are as much of the nation as the living one."

The native concept of sharing with fellow living things is not unrelated to the concept of social contract that has been forwarded by some philosophers. For example, Rousseau and Locke refer to a social contract to explain the origins of society and government. But their social contract refers to human beings only. If the idea of a social contract is applied to native people, one will find that it includes not only human beings, but all other living things, and the things that support life.

An observation about the native concept of land title requires a reference back to the basic philosophy. Native property concepts are wholistic. Ownership does not rest in any one individual, but belongs to the native nation as a whole. The land belongs not only to the people presently living, but it belongs to past generations, and to future generations. Past and future generations are as much a part of the native nation as the living generation. Not only that, but the land belongs to not only the human beings, but also to other living things; they too, have an interest.

How did Canada gain title to the lands within its boundaries?Certainly not by originaldiscovery, for by definition only native people can claim aboriginal rights. Canada cannot claim sovereignty through conquest. One or two small native nations may have been conquered, but certainly not most native nations. On the contrary, Canada pursued a policy of entering into treaties The question arises as to just what the native people surrendered when they signed treaties or engaged in activities that today the European governments claim were actions of the native people which extinguished their title to the land. The native people shared with the European peoples in the samw way they shared with the animals and the grasses. But sharing cannot be interpreted as meaning that Europeans received the same rights as any other native person. Sharing cannot be interpreted as meaning that a people gave up for all eternity their rights to live on the land, to exist.

It is well established in Anglo property law that one cannot give or surrender an interest greater than one has. By native standards, the land belongs to past generations, the yet to be born, and the plants and animals. This philosophy of property concepts may sound to some ridiculous and fairy-tale-like, but what philosophy does not?Does the "Crown" as a fictitious entity make more sense?

Canada, as a sovereign nation, via the Crown, claims ownership and sovereignty over all the land within its boundaries. A nation gains sovereignty in a number of ways. Sovereignty is gained through aboriginal rights, through conquest, or conveyance.

How did Canada gain title to the lands within its boundaries.?Certainly not by original discovery, for by definition only native people can claim aboriginal rights. Canada cannot claim sovereignty through conquest. One or two small native nations may have been conquered, but certainly not most native nations. On the contrary, Canada pursued a policy of entering into treaties of peace and friendship with most native nations.

In the Nishga case, the Court, in a roundabout way, suggests that the Crown gained title to lands in British Columbia via adverse possession, i.e., adverse acts on the part of the Crown. But the theory of adverse possession could not apply to native people because the land was not individually owned. In any case, adverse possession does not apply to a sovereign because an underlying assumption of the theory is that the adverse possessor must have his title recognized by a higher authority. In the case of a sovereign, there is no higher entity.

If the Crown can claim any type of interest, it can legitimize this claim through conveyance, and only through conveyance. But the interest the native people surrendered, if they surrendered anything at all, is a lot smaller than what the Canadian government lays claim to. It is certainly not a fee simple. The only other means by which Canada can justify its claim to native lands is through discovery. To do so would be a clear distortion of historical fact.

When the courts state that the native title is dependent on the goodwill of the sovereign and that the native interest is a mere burden on the underlying title of the Crown, the question arises, "Where did the Crown get its title?And how?

In reference to the native title, the Courts would be more accurate in stating something to the effect of, "the title or interest of the Crown is a mere personal and usufructuary interest dependent on the goodwill of the native nations." The native people have all along had a paramount estate underlying the Crown's interest. The Crown's interest is a mere burden on the title of the native nations.

If justice and fairness are underlying goals of today's government and court system, then the concepts and philosophy of the native peoples should certainly be taken into consideration and given as much weight as British concepts and philosophy. But if justice and fairness are not underlying goals, then we should stop covering the proceedings surrounding native land claims with a false aura of sacredness and bring things out in the open, so everybody knows where they stand. If the legal systems of the Anglo world cannot be bothered with justice and fairness they should, at least, be truthful.

Ventura Update

Two men who were active in the organization of Chicago AIM have been defending themselves against a federal and local attempt to send them to the gas chamber for the 1974 slaying of Ventura cab driver George Aird. Aird was found stabbed to death in October 1974 in Box Canyon at a site which has come to be called AIM Camp 13. Paul Durant Skyhorse and Richard Billings Mohawk are accused of the slaying. The initial television and press reports drew a scenario of ritual murder not unlike the Manson killings which took place in the same region.

The case, however, has emerged as a classic test ot the American judicial system. It sounds much more familair as a movie plot than a real-life situation. George Aird was apparently killed at a camp which had been identified as an AIM camp by Douglass Durham, a now-exposed FBI/CIA operative who had infiltrated the highest levels of the national American Indian Movement. Durham appears prominently several times in the case, at one point hindering AIM support for Mohawk and Skyhorse, at another point posing as a "clinical psychologist" and committing perjury at Skyhorse's sanity hearing, and again, testifying before the U.S. Senate that "Camp 13" was an AIM guerilla terrorist training ground.

Aside from Durham, there is "Blue Dove," a woman who was transporting the defendants around just prior to the murder and who, it turns out, works for the FBI. There is even some evidence that law enforcement people were on the grounds the night of the murder, and that they were expecting some kind of incident.

George Aird, the victim, has almost been forgotten behind all the intrigue and revelations of government presence before, during, and after the stabbing. Three people, Marvin Red Shirt, Holly Broussard, and Marcella McNoise Eaglestaff entered Aird's cab on the night of Aird's death. Holly Broussard, who qualifies in the case as the little rich white girl, was found at the scene wearing bloodied clothing and in possession of a knife which had a "substance which appeared to be blood on it." (The prosecution says it "lost" the Broussard knife.) Holly Broussard was not charged.

Her lover, Marvin Red Shirt, was also found on the scene with bloodied clothing and boots. A knife found at the crime scene under papers bearing Red Shirt's bloodied fingerprints was, according to the prosecution, destroyed by "accident." A subsequent lie-detector test allegedly indicated Red Shirt had lied when he denied stabbing Aird. But Marvin Red Shirt is not charged with Arid's murder. In fact, he was released in exchange for his testimony that Skyhorse and Mohawk had murdered the driver of the cab that he and his companions Broussard and Eaglestaff had hijacked.

If the facts surrounding the murder of George Aird are in question, those surrounding the impending trial of Mohawk and Skyhorse have not helped to clear the air. The evidence suppression hearings have set world records in the areas of cost and length. To complicate matters futher, on February 22, a fight broke out in the Ventura County Jail between Mohawk and Skyhorse and the jailers. Both men were beaten and maced, and required medical attention. Skyhorse allegedly stated that the fight occurred because an attempt was made to destroy defense files which were in the cells. (Both men have felt that court-appointed attorneys had not been convinced of their innocence and they have been acting as their own defense counsel, utilizing attorneys as advisors.)

Blatant racism arising from the Mohawk/Skyhorse evidence suppression hearings has colored the court system, the prosecution and the legal community of Ventura County. Such was the situation that, following a party skit by members of the Ventura County Bar Association entitled "The People vs. Tonto" that the California State Bar Association was moved to support a change of venue motion by the defense. That motion was granted, and the trial has been moved to Los Angeles.

The change of venue has not altered the general tone of the proceedings, however. Ventura County Judge Floyd Dodson now presides over the case. He is a lame-duck judge, having lost the last election by a landslide margih, a most unusual occurrance in judicial elections which are generally unchallenged affairs. Dodson (who technically isn't supposed to be a judge any longer) was appointed to the case through a procedure which California says it won't use anymore. That change in policy, however, won't help Mohawk and Skyhorse.

On April 20, lawyers Leonard Weinglass, Frank (Skip) Glenn, Jack Schwartz, Wendy Eaton, and Skip Young joined the defense as co-counsel to Mohawk and Skyhorse. In granting permission for their entrance to the case, Dodson said the five lawyers will not be paid by the court.

Trial observers say that, for some strange reason, the jury pool is heavily populated by former law enforcement personel. At least one probably juror is a retired LAPD officer. Objections to that composition were dealt with in a statement from the judge to the effect that to reject law enforcement people would amount to

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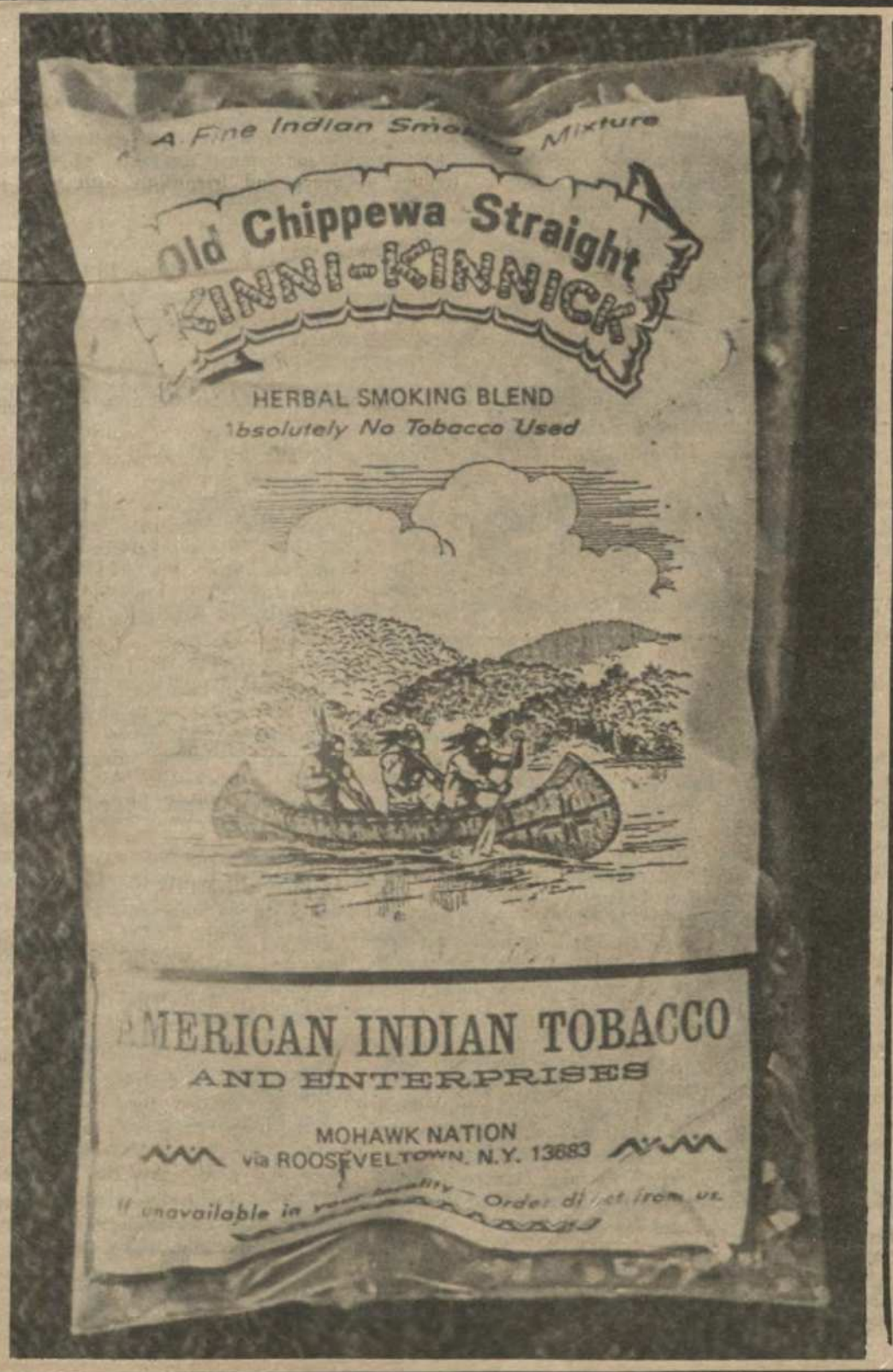

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Peltier Con't.

false testimony to the grand jury indicting Peltier and his former co-defendants.

Brown described two encounters with the FBI which indicated to him that "they meant what they said, they were for real." The first was in September, 1975, when 80 to 100 FBI agents raided the Rosebud Reservation with helicopters, M–16s, and sawed-off shotguns.

The following January a BIA policeman took Brown and his mother to meet with two FBI agents. They then told him that if he did not cooperate, he would be separated from his mother, charged with murder, and locked up for the rest of his life. One of the agents who harrassed Brown was Gary Adams.

Two traditional Oglalas testified that because of harassment and violence on the Pine Ridge country under former Tribal Cahirman Dick Wilson and his goon squad, they had asked AIM people to come and help provide security to Oglala residents. They also said that Peltier was active in community support activities, such as arranging spiritual ceremonies, and helping old people plant gardens and get wood for their stoves.

The judge ubheld almost all of the prosecution's objections to points of the defense case. The defense was not allowed to call witnesses to testify about FBI misconduct in the investigation of June 26, or to testify on specific incidents of violence at Pine Ridge.

In his closing argument before the jury, prosecutor Lynn Crooks showed the autopsy pictures of the agents to the jury and said, "That is the testimony of John Williams and Jack Coler." He referred to the native people present at the shootout as "brutal, cowardly, and a blood-crazed bunch."

Following Crooks' arguments, the defense asked the judge either to declare a mistrial, or to caution the jury because Crooks had misstated the evidence more than seven times in his argument. The judge refused to take any action.

It was that kind of trial.

In the defense summation, Elliot TAikeff called June 26 a very tragic day when three young men were killed. He told the jury, "It may be almost impossible for you to believe the FBI would commit unethical and illegal acts, but we ask you to find that out of 7,000 agents, there are some who could, and did."

He described Pine Ridge as a foreign land – a war zone. After showing the jury pictures of FBI agents in combat fatigues, five helicopters carrying M–16s and five Armoured Personnel Carriers, he said, "This is not Southeast Asia – this is what your tax money pays for: war games in other people's back yards."

Taikeff stressed the role FBI agent Gary Adams played in the June 26 investigation. Adams had interrogated all the teenage native men present at the home of the Jumping Bulls during the shooting. Those who testified told of Adams' threats, physical violence, and intimidation.

On the basis of such judicial bias, the defense has predicted an easy appeal and a quick overturning of the jury's decision. They feel that the government brought charges against Peltier because of his role as an AIM activist, and then tried to construct evidence that would convict him.

The day after his conviction, Peltier was moved to the South Dakota Penetentiary to await sentencing before Judge Benson in June. Apparently the only question in the sentencing is whether the two life sentences will run consecutively or concurrently.

(Article by Candy Hamilton of the LNS, with some comments.)

Ventura Con't.

class discrimination. (He did, however, excuse a prospective juror who said that he thought it might be possible for the government to conduct a "frame-up" of a defendant.) Dodson has also been telling prospective jurors that the trial will last from 6 to 18 months. Since the county pays $5 per day for jury duty, this means that only retired people or people who work for the state or county (and get paid during jury duty) can afford to be jurors. (Dodson apparently saw no class discrimination in that.)

Dodson has ruled that the defense may not issue subpoenas, a ruling which arose out of efforts to force testimony from FBI agents handling "Blue Dove," a government operative whose activities are central to the case. In addition, Paula Giese, a former defense worker who was acting as a legal runner, faces possible charges stemming from allegations that she attempted to smuggle a 3-inch knife blade into the jail. Giese denies the charge, saying she believes the blade was "planted" among her legal papers by persons unknown.

It is said that the local bar association had complaints from local judges concerning the courtroom tactics of the prosecution team of Kassoris and Somansky. Given the unusual amount of thus far lost, destroyed, and otherwise missing evidence, it will be interesting to see if speculations of evidence discoveries during the trial materialize.

Mohawk and Skyhorse are suffering from the February 22 beatings and the effects of 2½ years in VEntura County Jail. Both men complain of vision problems (probably caused by the mace) headaches, fatigue, and an inability to concentrate. In addition, Skyhorse has symptoms associated with malnutrition and has been addicted to Talwin, a pain-killing drug which he was given following the jail incident. A medical report which stated that both men were medically unfit to stand trial or to participate in jury selection also stated that Mohawk's symptoms of diminished vision and severe headaches may indicate brain damage.

The defense is presently seeking information concerning groups and individuals who were associated with, connected to, or possibly innocent bystanders in the events surrounding the operation of the Box Canyon camp and the Aird murder. One such group could possibly be a religious organization operating either in North or South America known as "Fountains of the World." Recent disclosures indicate that this group rented or leased the Box Canyon property to AIM, or some group representing itself to be AIM, for $1 per month.

The Mohawk/Skyhorse defense has received little publicity or public support, although public support may be building. People with information or contributions should contact them at:

Mohawk/Skyhorse Defense Committee
633 South Shatto Place
Los Angeles, California 900055
(203) 383 – 1297

Vincent V. Nahtalish Jr., formerly of 218 East 52nd St., NYC, please contact Eva Wieschke, Postfach 1408, 4044 Kaarst-1, West Germany. She's looking for you...

The Split-Feather Indian Council, Inc. is trying to contact native people in the Hartford, Connecticut area. Contact them through: Mrs Barbara Onunga Smith, Split-Feather Indian Council, P.O. Box 3711, Hartford, Connecticut 06103

SUNRAY GRAPHICS wants illustrations and graphics from native persons to be used as "stills" in their upcoming film documentary on the life cycles and current situation of the narwhale in the North Atlantic. Find them at: SUNRAY GRAPHICS, PO Box 101, Garnerville, N.Y. 10923

The American Indian Studies Center, UCLA, is looking for a Program Coordinator to assist in curriculim, recruitment, budget administration management. Min. of 2 yrs. experience in program management. MA degree or equivalent, knowledge of Indian concern. Start now, $1225 per mo. min.
Contact them at: American Indian Studies Center, University of Calif., Los Angelis, Los Angeles, California 90024

A, Press, LDT, a literary journal, is seeking graphic art and literary contributions for a special, all Native American issue; deadline June 30, 1977.

Write: A PRESS, LTD., box 311, laguna, n.m. 87026

contacts

The WRIGHT INSTITUTE of Los Angeles has openings for faculty in clinical, community psychology, and social-political philosophy, as well as graduate school openings expected. Send vita and two letters of reference by May 15, 1977 to:Personnel Committee, Wright Institute Graduate School, 1100 South Robertson Boulevard, Los Angeles, California 90035

The National Urban Indian Council is sponsoring a national convention on May 9–11 at the Hotel Syracuse in Syracuse, New York. Convention organizers expect over 3,000 native people from across the nation at this, the first convention of its kind, "to promote the social and economic self-sufficiency of American Indians," according to the constitution of NUIC. Further information may be obtained by contacting the North American Indian Club at 227 Gi fford St., Syracuse, New York.

WANTED: Indian teachers with experience in Indian Studies or e notionally disturbed children, willing to work long hours and committed to an Indian-cultured school. Send resume to: Earl Medicine, Director, Pierre Indian Learning Center, Star Route 3, Pierre, South Dakota 57501.

Reggie Acquin – please contact Ute Hahnefeld, % Max–Gunning, 44-2605 Flannery Dr., Ottawa, KIV 8M4, Canada.

WANTED: Community College Science Instructor for seven–year old Tribal College on Pine Ridge Sioux reservation near Black Hills. MS, able to teach science courses for elementary school teachers and biological sciences for agriculture and nursing students at Associate of Arts level. Begin August, 1977.

Community College Business Department Chairman and Instructor, MA or above with background in accounting. Experience or academic training in public administration or small business also desirable. Salary negotiable. Begin immediately or in August, 1977.

Community College General Studies Department Chairman, MA, background in history/political science for some instructional duties. Must possess administrative and curriculum abilities for supervision of five instructors in English, Math, Science, Fine Arts, and Social Science.

ABOVE THREE OPENINGS AT
Oglala Sioux Community College
Box 439
Pine Ridge, S.D. 57770

The Sioux City Community School District has an opening for a Director of Indian Education. If you are interested, write them at: Sioux City Community School District, Personnel Office, 1221 Pierce Street, Sioux Ci ty, Iowa 51105

OUR OWN PUBLICATIONS

Native Colours

A book of poetry by Karoniaktatie. "He is an explorer with an open and unique perspective. If you remember the search to find your own hill, or valley, or garret (Karoniaktatie calls it 'a place/to plant my seeds') — or if you're still looking — this collection could add some insights and fresh directions to your journey. 'in time you'll wonder/in time you shall/travel/in time you will/cease . . .' The approach here binds two cultures — it is an interesting marriage, enhanced by Karoniaktatie's striking designs and illustrations." Nancy Lenau, in *Pocket Poetry,* August, 1976. 88 pages. $2.50.

A Message To All People: Hopi

The Hopi Prophecy is important to all peoples today, for as we understand what has happened to human life in previous worlds, and in the days following the Creation of this one, we can better understand what we human beings need to do today. A different sort of history from that in the textbooks. This new edition is in newly-set type, illustrated by Kahonhes. $1.00

Chimborazo: Life On the Haciendas of Highland Ecuador. *66 pp. $2.00, paperback. Published by AKWESASNE NOTES. Edited by John Brandi, with translations by Michael Scott and Mal Warwick.*

This book offers an unusual treatment of life in an Indian community in South America, with some serious and introspective commentary by the author.

Turtle, Bear and Wolf

A new book of poems by Peter Blue Cloud, former poetry editor of AKWESASNE NOTES. Songs of reverence and affirmation, taut as a bowstring.

Gary Snyder says of this book: "Glimmering from below, in these poems, like the moon in the water, is that special eye, that light, which is of the true Mind-nature; human nature one with Mother Nature which is no particular nature. On this continent, the teaching is taught in the Old Way. Blue Cloud does nothing glamorous. He lives in the present, totally." $1.75.

Voices From Wounded Knee: The People Are Standing Up

This is the story of the liberation of Wounded Knee in the words of the participants, culled from hours of tape recorded while the occupation was in progress, accompanied by 200 striking photographs and several maps. This account is essential reading for anyone who wants to understand this episode of the struggle for human dignity and freedom in North America.

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Six Nations Indian Museum Series

[The Six Nations Museum is at Onchiota, New York, where from Memorial Day until Labor Day each year, thousands of persons get a better understanding of the Iroquois heritage and way of life. The museum is owned by Tehanetorens, also known as Ray Fadden, Mohawk Wolf Clan. Most of the pamphlets in this series were issued by the Akwesasne Mohawk Counselor Organization, and have been redesigned and reprinted by AKWESASNE NOTES.]

The Great Law of Peace

This is the Constitution of the Iroquois Confederacy, portions of which were adopted in the U.S. Constitution. It is a statement of morals, spiritual belief, and government which is 1,000 years old — and which remains valid for use today. 84 pages, paperbound, illustrated by Kahonhes. $1.00.

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This attractive collection of fifteen teaching legends of the Iroquois is part of the Six Nations Indian Museum Series published by AKWESASNE NOTES. The book is 99 pages, softbound cover, with striking illustrations by Kahonhes. The tales are as Tehanetorens remembers them being told to him. For many of them, along with the text, are pictographs which tell the story — and aid non-readers in remembering the story. *Tales of the Iroquois* is a unique gift for children or adults and is excellent for use in classrooms. ISBN 0-914838-14-8. $2.50.

Indigena Pamphlet Series

[INDIGENA is an organization devoted to the causes of the native peoples of the Americas. As an information center, it works cooperatively with AKWESASNE NOTES in this series of pamphlets, as well as having its own publications available Write: INDIGENA, POBox 4073, Berkeley, California 94704.]

The Situation of Indian Peoples in Guatemala

A clear explanation of agrarian exploitation, political domination, and ideological oppression of the native Mayan population by foreign interests, and people of their own heritage who have taken another path. 25 cents.

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BIA: I'm Not Your Indian Anymore

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ALL BOOKS LISTED ON THIS PAGE ARE ALSO AVAILABLE FOR WHOLESALE DISTRIBUTION

Order From:
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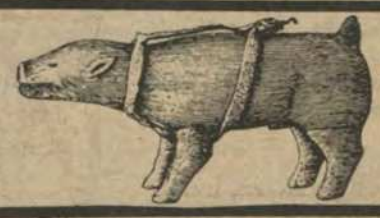

Indian House Records

The following are available from AKWESASNE NOTES for $6.00 each (please add 50 cents per record for shipping.) Allow 4 weeks for delivery.

Round Dance Songs of Taos Pueblo/Vol. One
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Kiowa Church Songs/Vol. II
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War Dance Songs of the Kiowa/Vol. 2 — O-ho-mah Lodge Singers
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The Badland Singers - Assiniboine-Sioux Grass Dance
Sounds of the Badland Singers
Ashland Singers - Northern Cheyenne War Dance
Ho hwo sju Lakota Singers - Traditional Songs of the Sioux
Yankton Sioux Peyote Songs - Vol 1
Sounds of Indian America - Plains & Southwest

:LETTERS:

Dear Friends:

Your excellent article, "Killing our Future – Sterilization and Experiments," in the Early Spring 1977 issue has made many people think, "What can we do to stop this kind of genocide?" It is time for the women of America and the Women's Movement to pay attention to Native women who are standing up against forced sterilization and experimentation. "They" may not sterilize me or my daughters, but my younger was breast-fed on milk containing the toxic chemical PPB, thanks to the State of Michigan and the chemical companies We all live under the same system.

It is also time for Native American women to stop saying that Women's Liberation is of no concern to them. There are so many places where we can and have worked together – opposing forced sterilization, for one; the victory of Yvonne Wanrow, who was supported by some women who identified as Native Americans and some as Women's Liberationists. But throughout American history Native American women have been active and creative in the struggle for freedom.

One woman claimed by feminists as our heroine is Sojourner Truth, a great activist, speaker, and thinker who worked for the abolition of slavery (she bought her own freedom after all 13 of her children were sold away from her.) She also was insistent that to give slaves freedom and the right to vote while denying it to women was "short-minded." What many do not know is that she was half Mohawk. Perhaps her Iroquois heritage or culture in which women always had functional roles helped her to make the leap in her thought and her activity from the freedom of the slaves to the freedom of women.

We need to know more about what Native women have done, NOT for some abstract goal of equality, but because recovering the creativity in what they did will help all women, men, and children, to change this system to find a more human way of life. Women's Liberation began with the cry for "control over our own bodies." Surely being sterilized without proper consent is a part of that struggle. Anna Mae Aquash was murdered for being a Native American freedom fighter, but the life she lived has a meaning and message for all of us.

On July 19, women's liberationists commerate the First Women's Rights Convention. It was chaired by a Black man, Frederick Douglass, and took place in 1848 in Seneca Falls, N.Y.. Maybe it was by accident that it took place on Indian land, but despite historic cover-ups, I am convinced that the Women's Movement, the Indian Movement, and the Black Movement are organically linked, and always have been. I would like to hear from others with ideas or information.

Susan Van Gelder
Women's Liberation, News & Letters Committee
1900 E. Jefferson
Detroit, Michigan 48207

Notes:

I have a great request.

I was awed by your article in the Midwinter, 1976 – 77 issue, "Words of Wisdom From Crow Dog's Paradise."

I am convinced that white people as well as natives NEED to "hear" with their hearts through the written words of Indians. There is so little real Indian literature written by Indians. White men with the best of intentions admit they put too much whiteness into their writing. They find themselves "pleading the Indian's case" to a white majority. I feel only a real Indian need present the Native cause to the European people. Only an Indian can write convincingly of how their people managed to teach, keep, and love the old ways in spite of the pressure and disadvantages imposed upon them because they were determined to keep those ways.

Maybe this has been what was wrong all these years. Indians hid their voices in the deserts and the mountains – their only contact was with Bureaucrats who do not care for any of us who are not rich and powerful.

Yes, Leonard Crow Dog, there are plenty of good white men in many places, but GOOD usually means poor and powerless...except for ONE vote.

Did you people ever think the good Europeans were settlers lured to the plains, or into Indian territory with the promise of FREE land? Good but so ignorant they could be used as sitting ducks by an uncaring bureaucracy who waited for the killing to start so they could send in the soldiers. To protect the settlers? No. To kill off the "hostiles" so the real BAD GUYS, the land speculators, the mining companies, the oil czars, the thousand-acre ranchers could move in safely. The settlers were not told the truth. They did not understand they were puppets in a one-act play. The end was an excuse for bigger things and bigger people.

I believe this now. Maybe some were willing to be blind and ignorant, anything for free land. But most would have never killed any man for his land.

These little one-vote people are the ones you must talk to now. Remember good white men died to free black slaves... the common people, and a lot of white votes gave blacks their civil rights.

Most common whites "never thought about it" when I remind them that our forefathers took this land from Indians. As one Indian said, and I like to quote, "White men brought no land with them." But you are so stoical, so undemonstrative that you wait, and as long as you were quiet no one heard you.

But I am white... I am not the one to say much, not to masses of people. I talk about your art, your philosophy, your love of nature, and people get interested.

That is why I say to Leonard Crow Dog, there ARE good white people...with their faces buried in factories and machines on a pay-day to pay-day existence, and they haven't had time to think about the other fellow.

Well, now that they are threatened to freeze or go hungry in their sky scrapers because they are slaves to an industrial system, the fragile web at the very end of the food chain, they will have to look up to see what it is all about. Empty stomachs may help fill the minds and chilled bodies may warm the hearts to care for all common people.

It is time to EDUCATE the white people, not to hate...hate will not work. It motivates, but it also brings more oppression.

We also have had land 'condemned' because the government wanted it. White people get put out of 'their' homes, too. So we must help each other, as common people. The idea gnaws at my inner being... I am not educated enough, I am white, and I am a fifty year old white papoose wanting to learn about a great and beautiful culture that has been hidden too long.

Again someone, please write a biography of the Crow Dog family!...Some Native American! And my spirit shall sit with you in envy of your task.

Sincerely with love,

Mrs. Doris Stevenson
2022 Oakhaven Dr.
Albany, Ga. 31707

"We must be an example"

Greetings, Brothers and Sisters:

It is a great honor for me to express my thoughts at this time on behalf of my borther, Leonard Peltier. You probably aren't aware of the fact that Leonard and I have had a chance to talk together here at the prison, as he was being held here in isolation and I was put in isolation myself for awhile, mainly because of my political views. I have known Leonard since he came into the Movement. It is important to tell you that Leonard is a non-drinker and he doesn't smoke pot, he quit 2½ years ago because he believes that you must first cleanse yourself from within before you can help others. The use of alcohol and pot and other drugs is another that the white people have tricked our Indian people into destroying themselves. What we do is what our children will do, we must be an example for our Indian children and to the coming generations and not just by talking about it, but by living it. Leonard is one of many Native Americans who are still being persecuted and prosecuted for believing in the freedom and the right of our people to live with dignity and the knowledge that we are a free people, even though the U.S. Government does not care about the lives of Indian people, nor does the government care about the sovereignty of our Indian Nations.

The war for freedom continues; it continues in the trials of Leonard; it continues in the imprisonment of such great men as Leonard Crow Dog, Bob Robideau and many, many more, such as Curtis Bald Eagle, Kenny Kane, Dewey De Pree; these are just some of the American Indian Movement political prisoners that have been forgotten by some, but we must never forget these brothers and those who have died in the struggle of liveration. The FBI, which is the gestapo of the U.S. Government and all pigs or law enforcement people would like to see Peltier dead; not because he is guilty of anything, but because he is a symbol of the free spirit of our Indian people, a spirit that has been passed on from generation to generation, from grandmother to grandmother to the yet unborn. This spirit the white man is blind to, because it is inbred; it is a spirit of the soul, it is the spirit that has helped us survive for hundreds of years. It is a spirit of caring and sharing and being willing to give up your life if necessary.

In our talks, Leonard is spiritually strong and has great faith and hope, even though we are imprisoned. That is something the U.S. Government cannot and will not ever take from us; even if they kill us, they cannot take our spiritual beliefs from us. The bars and chains and shackles, the lonely, isolation of weeks and months cannot crush this spirit because our cause is right and just. Remember that many of our great leaders were killed and imprisoned in the past, but we lived on through that spirit in brothers like Leonard Peltier. I ask you not to forget Leonard or Bob Robideau, Curtis Bald EAgle, Kenny Kane, Dewey De Pree, Victor King, Mike Sturdevant, Mark Powless, Phil Bautista and the many brothers that have been murdered by the U.S.A., such as Crazy Horse, Geronimo, Sitting Bull, Pedro Bissonette, Frank Clearwater, Buddy LaMonte, Little Joe Stuntz, John Waubanascum, Arlin Pamanet and all the others. Can the government give back the lives of these brothers? Can they comfort the families and their children, can they love our children? Of course we know the answer to that, but there is one thing they can do and that is to honor our treaties. Even from this bleak prison cell I am grateful to my wife, Dorothy, and my beautiful children and to all of you out there because the spirit of our people lives. Someday, sometime in the future, justice will prevail. May the Great Spirit bless all of you with good health and happiness.

Your brother in the struggle,

Herb Powless
Prison Number 18261

Dear Sir:

I am of the Grand CAnyon Band of the Havasupai Indian Nation. My relations and I face eviction from our homes by the Grand CAnyon National Park Service. Any information you could provide us concerning our rights to remain here would be helpful.

Here is some information which might help. For twenty years my relations have lived in these 2-room cabins and paid rent. For the twenty years before that my other relatives lived in these same cabins and paid rent. Before these cabins were built in 1934 my relations lived in the traditional Havasupai earth lodges on this very land. In 1934 the National Park Service decided the traditional homes were an eyesore so they built the cabins we now live in. After these cabins were built, they tore down and burned the traditional homes. Having no choice the Havasupai moved into the cabins and the National Park Service charged them $5.00 per month. We now pay $20.00 per month.

In October 1976 my aunt was served an oral eviction notice by a Park Ranger. He also threatened to turn off her water and electricity. He has since been transferred or resigned. The NPS wants us to move into Grand Canyon Village "like the rest of the Park employees." We live 2 miles west of the Village in an isolated area surrounded by Ponderosa Pine Trees. The park Service at one time (Summer 1976) put a gate across the paved road we use to get out here. The gate is still there and when tourist season comes we expect it will be closed once again. The road we used to get home, when the gate was closed, is an old unkept, dangerous road. It now bears a sign which reads "do not enter".

On October 5, 1976, the Havauspai Camp residents met with the National Park Service Superintendent. He told my people that we have no rights to remain in this area because Public Law 93620 religquishes our rights to this place which my people have inhabited for ten centuries. The Park Superintendent stated that our camp will not remain as it is. He claims he is obligated to see that we Havasupai have equal housing as those who live in Grand Canyon Village. But he cannot improve on our cabins nor can he build new cabins. So we have to move to modern cabins in the Village. Sometime in April we will meet again with the Park Service to tell them again, we will not move.

We who call ourselves human beings, we who are called "Keepers of the Grand Canyon" by our Hopi brothers, We ask you what human rights if any do we have.

In Spirit,

Sally Polacca
P.O. Box 294
Grand Canyon, Arizona 86023

NOTES

As you know, the Wounded Knee Treaty issue was tried before Judge Warren Urbom in Lincoln, Nebraska, in December of 1974, and January of 1975. Following Judge Urbom's decision, the case was appealed to the Eighth Circuit Court of Appeals, that Court refusing to issue its own decision, simply adopting the decision of Judge Urbom as its own. We then went to the United States Supreme Court on a Petition for Certiorari (request for a hearing), and the Supreme Court finally denied that request for a hearing.

It is a tragedy of our legal system that an issue of the magnitude presented by this case will not be heard by the Supreme Court. As you know from reading Judge Urbom's decision, even he was appalled by the evidence showing how Indian Nations have been treated by the United States, yet he held against the Sioux, saying that it was for the higher courts to make the ultimate decision for recognition of treaty rights. But the Supreme Court refuses to hear the case.

...we have pointed out to the Court that the only alternative now left to the Sioux (and this is under Anglo-European Law) is to resort to war. Under Anglo-European Law, nations who enter into treaties understand that if one nation unilaterally breaches the treaty, the other nation's legal right is to go to war to enforce those treaty obligations. Of course, the United States recognizes that its might could physically crush the Sioux in any such struggle. We all know that spiritually nothing can ever crush them.

x
In struggle,

John E. Thorne,
510 N. Third St.
San Jose, California 95112

Notes,

When I was a boy in the suburbs of Dayton Ohio, I believed life was a happy interrelationship between family members just like the situation comedies on television. Like most children of the white middle class in the fifties, I was entranced by the Leave It to Beaver Show, the Donna Reed Show, My Three Sons, and The Real McCoys. At first I believed that was life. Then I realized it was unreal. Now I believe that could be life, and is life---in communities of people who share not only their happiness but also their pain and hopelessness.

The success of any relationship, in my opinion, depends on the sharing of the circle, the wholeness of feeling which includes sorrow as well as happiness. The problem with my family, and I think also the families of many civilized people, is that they believed their suffering was finished by the grace of technology. After the War everyone seemed to believe the time had arrived for Man to take it easy and let the machines do the work. But I think no one believed that and just let it seem so because they didn't want to feel any pain. My parents did not respond to my feelings of lonliness, sadness, fear.

That is a common experience among my generation I am beginning to find out. My parents could not respond to their own fear; instead they depressed. Our civilized culture is as acknowledged system of suppression, but the simple truth is, in my experience, an individual suppression of so-called "bad" feelings -- fear, embarrassment, lonliness, sadness. Nobody wants these feelings, which are a natural part of the circle of life. And of course our American WAy of Life is a vast enterprise enabling us to avoid feeling bad. We have hope, and need never feel hopeless. We have the best defensive military system, and need never feel afraid. And of course we have movies, dogs and cats, and travel to kill lonliness.

My message is that we are a society that has no way to express any feeling except "good" feeling. We can't accept guilt and feel guilt for destroying native society just as we can't regret having destroyed Vietnam, or any of the other brutal cruelties we inflict on innocent people. Simply because we cannot express and share our pain. We kill pain. The only difference that really matters, between native and civilized cultures, is the opportunity to express and share the neglected feelings which, bottled up inside us, always find a destructive exit, rupturing any well-intentioned program or idea for healing the earth. Our collective American imagination is running away with, or rather from, pain. Instead of feeling and sharing, we use our "creative intelligence," in the form of technological progress, to avoid confronting our fear and helplessness.

Eugene Riel
New York City

Notes:
I've been reading your very enlightening paper for a long time now and I think there is no other that can compare. Lately, in the past issues, there have been letters for help coming from Oklahoma State Prison and other prisons that share the same problems (not being allowed to have Indian Cultural Groups, not being allowed to wear their hair long, etc.)

At Oklahoma State Prison it has come to the point that the guards are starting to shoot and kill people there. Ray Herrod was an Indian brother that was shot and killed simply because he was involved in a fist fights with another inmate. ..I ask all the brothers and sisters that say they are concerned, What is to become of the other brothers that are still doing time at this death house? They have strong spirits also and cannot be broken.
Is there not someone out there who can start some type of investigations for these brothers that are asking for your help? I would try to help in anyway I could myself but right now I am in San Quentin. We are allowed group meetings here but ny heart goes out to those brothers that are not so fortunate. All I can do is write letters of support and I will keep doing so with hopes that my words will reach someone.

Michael Green "Creek"
P.O. Box B – 68301
Tamal, California 94964

Notes:

Will Ohsweken confirm your error in estimating the Haldimand Deed Tract at Grand River as 600,000 acres (NOTES, Late Autumn, 1976, p. 34.)? Haldimand Tricked the Iroquois Confederacy into giving up Ontario but issued a license for a Reservation 12 miles wide from the source to the mouth of the Grand River, 123 miles by 12 miles (944,640 acres.)

After Haldimand left Canada another trickster Simcoe issued a new license for the Grand River, but this license covered a territory only 12 miles wide from the mouth of the Grand River to Fergus (12 miles wide by 90 miles long, 691,100 acres.) Joseph Brant then sold nine-tenths of this to the Crown.

In spite of 180 years of protest the Iroquois confederacy has never been compensated for its lost lands in Ontario outside the Haldimand strip guaranteed as Iroquois property by the Royal Proclamation of 1763.

Nor has the Confederacy ever received payment for the "lost land" of the Haldimand Strip above Fergus and curtailed by Simcoe for the Crown (33 miles by 12 miles, 253,440 acres.) Confirmation of these figures will clear up much previous confusion and give succour to the wilting and Dying Great Swanp Elm.

Skennon,
Jack Hayes
35 Willow Way
Dover Court
Essex, England

INDIAN TOBACCO

KINNI-KINNICK — blends of herbal ingredients and fine tobaccos — is available from AKWESASNE NOTES. It is mixed, packed, and shipped at Akwesasne. There is a brochure on the six available blends, but the best way to try it is to order 2-ounce samplers. They are $1.15 each, or 3 for $3.15, postpaid. Test them out to find a favorite for re-ordering in ¼-pound or ½-pound pouches.

One blend, Old Chippewa Straight, contains no tobacco — just barks, roots, leaves, herbs. Great for people who can't quite quit smoking.

Each blend of KINNI-KINNICK is representative of the old mixtures for social smoking.

The blends we have:

Eastern Woodlands
Thousand Campfires
Old Chippewa Straight
Mohawk
Western Plains
Northwest Coast

For tobacco shops, commercial outlets, or for fund-raising by groups, we suggest a sampler of six two-ounce pouches of each of the six blends for $25 postpaid. That's a 1/3 discount. Returns permitted. Order from:

Kaherahare
AKWESASNE NOTES
Mohawk Nation
via Rooseveltown, N.Y. 13683

WHOLESALE CRAFTS

Mohawk basketmakers keep turning out fine baskets of many sizes and shapes, using black ash splint and sweetgrass, local materials. Basketmaking is one of many old and useful traditions among the native people that has survived into today, and may help us to survive into tomorrow. Some of the designs go into the distant past: the pack-basket, corn-washing basket, storage baskets. Others are more fancy: sewing baskets, kettle baskets, pin-cushions, "strawberry baskets". They range in size from the tiny thimble basket to the 26"- high packbasket.

In addition, there is beadwork: earrings, necklaces, hair-ties, chokers, and others.

Most are one-of-a-kind items too difficult to catalog. But individual orders can be sent on approval, and we highly recommend the crafts on a discount basis for fund-raising or sale at a powwow, trading post, coffee party, etc. Order a 30-day consignment by making a deposit of 50%. A typical consignment would have a retail value of $133. Your price would be $100, plus about $2 shipping. Before the end of 30 days, you can return any items you wish. Order from:

Kaientares
AKWESASNE NOTES
Mohawk Nation
via Rooseveltown, N.Y. 13683

GUATEMALA CRAFTS

We've been overwhelmed with the response to the offerings of Guatemala textiles and blankets — please be patient with us as the people we work with in Guatemala fashion the items, get them sent to us, cleared through customs, and out to you.

These beautiful fabrics are made available to aid Mayan families which depend upon this market for their total cash income. We feel it is important to help in this way, and to make available to native and natural people of North America these beautiful handmade textiles to increase our own consciousness that it is possible to make such beautiful things with our own energies and the gifts of the Creation.

At the present time we are still not listing many items. It is a long journey from Guatemala, and our supply lines are not yet quite smoothed out. In future issues, we will have many more items for sale. Watch for them.

TWO SPECIAL ITEMS

SHOULDER BAGS:

These are perfect for carrying books, shoping or whatever. They are very durable. A bargain at $15.

COLORFUL BELTS:

These are 2 inches thick by 36 inches long — strong and flexible. We've just received a large shipment of them. $4.00.

All items must be prepaid and are sent at the prices listed, plus cost of shipping for which you should add $1 or so. If you are not completely satisfied, you may return the item to us by insured mail or UPS for a full refund.

POSTERS

3 *Wounded Knee*

5 *Zuni Governor*

2 *Chief Joseph*

7 *Three Sisters*

8 *Grandma Hunter*

6 *Sitting Bull*

10 *Shackled Native*

11 *Family Portrait*

9 *Poundmaker*

13 *Fire Carrier*

15 *Dan Katchongva*

Three Horsemen

16 *Our Ideas*

17 *Blackfoot Chief*

18 *Signs of the Times*

19 *Flathead Chief*

20 *Rush Gatherer*

21 *Bear-Belly*

22 *Campesinos*

23 *Wintu Woman*

24 *Shrine of Hypocrisy*

25. *Circle of Life*

Unity Under The Creation

The Things That Are Ours

Painted Tipi

14. *Ganienkeh*

Wholesale quantities: The posters are excellent fund-raising items for schools, groups, fairs, powwows. 100 can be shipped, an assortment, for $25.

In almost every issue of AKWESASNE NOTES, there is a centerfold poster. They are 17 x 22 inches, and are presently available at 3 for $1, or 50 cents each, plus 25 cents for a cardboard mailing tube. One poster, "Splinters of the Tree," (28) is in four colors, and is $1 each. POSTER PRICES WILL CHANGE FOR POSTER ORDERS RECEIVED POSTMARKED LATER THAN JUNE 1, 1977! Effective June 1, 1977, posters will cost $1 each, or 3 for $2. ($50 for 100 posters.) "Splinters of the Tree" will cost $2 each. We reserve the right to substitute in selections of posters when we are out of stock. Order from: AKWESASNE NOTES, Mohawk Nation, via Rooseveltown, N.Y. 13683

BOOKS

ALCATRAZ IS NOT AN ISLAND, by Indians of All Tribes, edited by Peter Blue Cloud, - $3.95. "We came to Alcatraz with an idea. We would unite our people and show the world that the Indian spirit would live forever...The idea was born and spread across this land, not as a fire of anger, but as a warming glow."

AMERICAN INDIAN DESIGN & DECORATION, by LeRoy H. Appleton, $4.50. With over 700 illustrations.

AMERICAN INDIAN NEEDLEPOINT DESIGNS, by Roslyn Epstein, $1.50. For pillows, belts, handbags, and other projects.

AUTHENTIC INDIAN DESIGNS, edited by Maria Naylor. $5.00. Twenty five hundred illustrations from Reports of the Bureau of American Ethnology.

BOOK OF THE HOPI, by Frank Waters, $1.95. The Hopi historical and religious world view.

EARTH MEDICINE – EARTH FOODS, by Michael A. Weiner, $4.95. A guide to wild plants the Indians use for soups and salads, poultices, tonics and sedatives. Illustrated.

FULL COLOR AMERICAN INDIAN DESIGNS FOR NEEDLEPOINT RUGS, by Dorthy P. Story, $2.00. Charted for easy use. 32 Plates.

GAMES OF THE NORTH AMERICAN INDIANS, by Stewart Culin, $9.95. Extensive work on games.

GOOD MEDICINE LIFE IN HARMONY WITH NATURE, by Adolf Hungry Wolf, $2.00. "If you are seeking the true meaning of the many aspects of Life, then Go into Nature." Notes on Good Medicine, Pipe Smoking, Sweat Bathing, Tipi, Grandma, etc.

GOOD MEDICINE TRADITIONAL DRESS ISSUE, by Adolf Hungry Wolf, $3.00. Knowledge of methods of old time clothing.

GOOD MEDICINE MY CREE PEOPLE, by Fine DAy $2.50. Stories and anecdotes about the Old Ways of the People of the Cree Nation.

BLACK ELK SPEAKS, by John Neihardt (With much help from Black Elk,) $1.95.

INDIAN CRAFTS & LORE, by W. Ben Hunt, $2.95. Detailed directions on preparing feathers, making shirts, mocsssins, breechclouts, chokers, bustles, and much more. For the beginner.

INDIAN HERBALOGY OF NORTH AMERICA, by Alma R. Hutchens. $11.00. A study of the Anglo-American, Russian and Oriental literature on Indian Medical Botanics of North America. With illustrations.

INDIAN SIGN LANGUAGE, by William Tomkins, $1.50. Drawings & short descriptions make clear the positions and motions of the hands.

INDIANS OF THE AMERICAS, by John Collier, $1.25. From prehistory to present.

THE INVASION OF AMERICA, by Francis Jennings, $14.95. "...demonstrates that the story of the tribes east of the Alleghanies has been as filled with myths and is equally dramatic and tragic as that of the better-known horse Indians of the Western Plains." –Dee Brown.
Note: We strongly suggest that serious students of history take a look at this book!

ISHI MEANS MAN, by Thomas Merton, $4.00. Story of and implications behind the last man of a lost tribe.

INDIAN TALK, by Iron Eyes Cody, $2.95. Hand signals of the American Indian.

WARRIORS OF THE RAINBOW, by William Willoya and Vinson Brown, $3.50. Strange and prophetic dreams of the Indian Peoples.

HOW INDIANS USE WILD PLANTS FOR FOOD, MEDICINE, & CRAFTS, by Frances Densmore, $2.50.

THE PORTABLE NORTH AMERICAN INDIAN READER, edited by Frederick W. Turner III, $4.75. Works by Luther Standing Bear, N. Scott Momaday, Vine Deloria, Jr., Thomas Berger, Gary Snyder.

PEOPLE OF THE DREAM, by James Forman, $4.95 hardcover, 95 cents paperback. Portrait of Chief Joseph.

THE POMO INDIANS OF CALIFORNIA AND THEIR NEIGHBORS, by Vinson Brown and Douglas Andrews, $2.95. With map.

THE PONCA CHIEFS, by Thomas Henry Tibbles, $2.25. An account of the trial of Standing Bear.

SEVEN ARROWS, by Hyemeyohosts Storm, $12.95 hardcover, $6.95 paperback.

THE TSIMSHIAN INDIANS AND THEIR ARTS, by Viola Garfield and Paul Wingert, $2.95.

THE TALL CANDLE, by Rosalio Moises, $10.95 hardcover. The personal chronicle of a Yaqui Indian.

TO SERVE THE DEVIL, by Paul Jacobs and Saul Landau, $2.95. Volume 1:Natives and Slaves. A documentary analysis of America's racial history and why it has been kept hidden.

THE WAY, edited by Shirley Hill Witt and Stan Steiner, $2.45. An anthology of American Indian literature.

The Mapoon Books tell the story of the river people of Mapoon (Australia) who from time immemorial have lived, hunted, celebrated together on their land, rivers, and sea, until the Government and Mining Companies moved in. And the struggle to take back the land.

BOOK ONE: THE MAPOON STORY BY THE MAPOON PEOPLE, $1.00.

BOOK TWO: THE MAPOON STORY ACCORDING TO THE INVADERS, $1.80.

BOOK THREE: THE CAPE YORK ALUMINUM COMPANIES AND THE NATIVE PEOPLES, $1.80.

The books listed here are being discontinued and are being offered at a discount. Please indicate second and third choice when ordering.

ANOTHER PLACE: PHOTOGRAPHS OF A MAYA COMMUNITY, by Frank Cancian, WAS $6.95, NOW $5.00.

IN THE SERVICE OF THEIR COUNTRY: WAR RESISTERS IN PRISON, by Willard Gaylin, M.D., WAS $6.95, NOW $5.00.

AMERICAN INDIAN & ESKIMO BASKETRY: A KEY TO IDENTIFICATION, by Charles Miles & Pierre Bovis, WAS $2.98, NOW $2.25.

AMERICA'S ANCIENT TREASURES, by Frank Folsom, WAS $2.95, NOW $2.25.

AZTECS OF MEXICO, by G.C. Vaillant, WAS $3.95, NOW $3.00.

THE AZTECS: MAN AND TRIBE, by Victor von Hagen, WAS $1.25, NOW $1.00.

THE CODEX NUTTALL, edited by Zelia Nuttall, WAS $7.50, NOW $6.00.

THE INCAS, by Garcilaso de la Vega, WAS $1.65, NOW $1.25.

TO DIE GAME, by W. McKee Evans. Story of the Lowry Band, Indian Guerrillas of Reconstruction. WAS $8.45, NOW $7.00.

INDIANS OF CANADA HERITAGE STAMP COLLECTION, WAS $7.95, NOW $7.00.

MY FRIEND THE INDIAN, by James McLaughlin, WAS $5.95, NOW $4.95.

MAGAZINE PACKAGE, Assortment of pictures, poetry, stories and political writings. Ten magazines for $5.00.

Continued from Page 17

INDIAN TALES by Jaime de Angulo, $1.75
Folklore, rituals, hunting stories of California Indians. Ages 12 and up.

WOODEN LEG: A Warrior who Fought Custer Ed. by Thomas B. Marquis, $3.50
Narrative of a Cheyenne warrior who fought against Custer at the Battle of the Little Big Horn. Observations on Cheyenne daily life and tribal customs. Ages 13 and up.

MOUNTAIN WOLF WOMAN Ed. by Nancy Oestreich Lurie, $2.25
Candid account of Indian life – told from a woman's point of view. A 75-year-old woman describes her wandering childhood days in Wisconsin, her brief stay at a mission school, marriage against her will, death of her chosen husband, and the misfortunes of her children. Ages 13 years and up.

"The Cause – North American Indians" WITH MAGAZINE, (Feb. 1976) $.75
This special issue for teenagers has some good words, pictures, poems by Indians.

A BAG OF BONES: Legends of the Wintu Indians of Northern California by Marcelle Masson, $3.50
Creation, Destruction of Earth, Pine Squirrel and Badger, Coyote, a love story, and more. Teens and up.

THE STORYTELLING STONE: Myths and Tales of the American Indians by Susan Feldmann $.95
Teens and older.

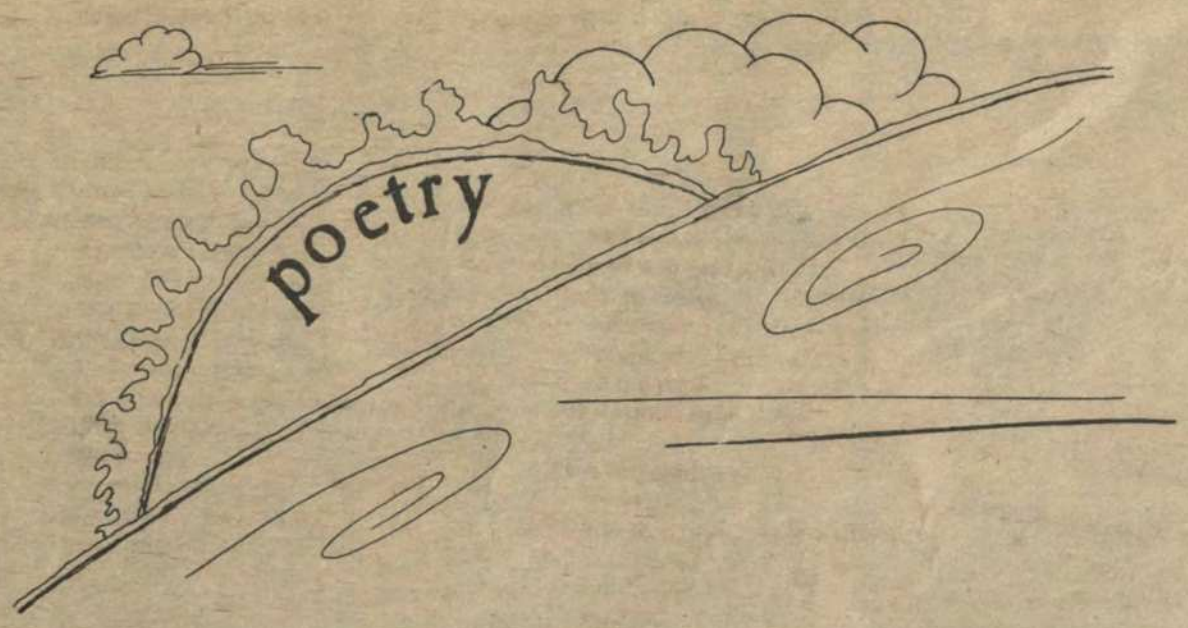
THE LIGHT IN THE FOREST by Conrad Richter, $1.25
Story of a white boy raised by Indians and then faced with return to white society. Age 11 and up.

WOUNDED KNEE: An Indian History of the American West, By Dee Brown, $1.50
Adapted for young readers by Amy Erlich from BURY MY HEART AT WOUNDED KNEE. Teens and older.

WHISPERING WINDS: Poetry by Young American Indians Ed. by Terry Allen, $1.95
Poetry on Indian lore, the Vietnam War, childhood memories, thirst and lonliness. Includes a brief biography of each poet, Ages 12 and up.

LAME DEER SEEKER OF VISIONS by LameDeer and Richard Erdoes, $3.95
The life of a Sioux Medicine Man (who also happened to be a rodeo clown, a soldier, a sign painter, spud picker, singer, etc.) Teens and up.

THE WHITE MAN'S LAWS by Metis Association of Alb. $3.95
"Throughout the tragic history of Canada's native people since the arrival of the white man there has been repeated conflict and confrontation associated with the laws of the white man. This book reveals the roots of this conflict." A clear discussion of civil rights and legal procedure in Canada. Ages 12 and up.



AMERICAN GENOCIDE

You tried –
with small-pox ridden blankets
to destroy us

By Gattling gun and Alcohol
Our Native People fell

You gave –
As tokens to the starving
Rotten meat and barren lands
Yet still –
The Hoop restores itself
The Sovereign People

will survive
Two Hundred Years of broken promise
Did not end at Wounded knee.

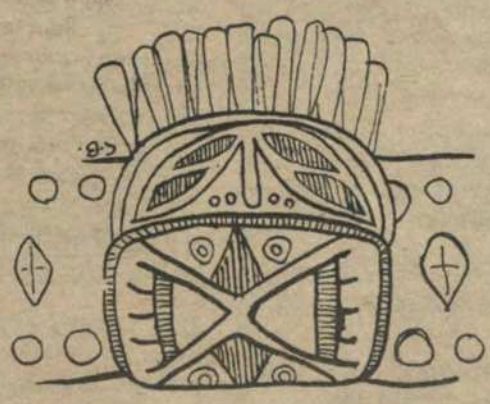
Winifred Swingle

in a corner, on the floor
of a filthy, smelly bar
lay a crumpled, rumpled man
whose face showed the lines
of three thousand years – or so
no sign of long black braids
feathers, beads, and bells,
of the pride and cunning
that once he rode beside;
as he scouted on his land
and watched the veyho come
with eyes as sharp as eagle claws
muscles rippling in the sun
straight and knowing
he led his band,
to water, buffalo and FREEDOM.
for this,
they stripped him bare
made him dirty and ashamed,
to lay crumpled, rumpled on the floor
if only they knew
those red wino eyes
still see naked, red flesh
and the eagle in the sky.

no sign of long black braids
feathers, beads, and bells,
of the pride and cunning
Ricky Spotted Wolf

Pontiac – your name passes me by
In snow-grey streets
above the noisy wheels
celebrating the quick time
that invaded your slow time...
Your name lives on stamped on metal
but who remembers your love and your deeds?
You, a hero so long
against the longer odds
finally cut down by
the French and British double play
You, who thought the French
were your friends who would stay by you
on and on through the swelling white tide
You, who taught the British
a thousand lessons in battle
and that the Red-men
were not to be brushed aside
like slender twigs upon the forest trail
You who like many more
trusted the smoke rings of peace
blown by the Great White Father
when the fire of his muskets would not break your spirit
You who saw the trail of chains
ahead for those you loved
and brought them together
to try to keep that trail green...
Your name has become a Detroit export
One of so many old things now money muddied
But I will remember your name
as it rang through the woods
before the time of the poison
that surrounds us now
and sing it to the knowing sky...

David Campbell



I asked an old man
what secrets must i seek
to unravel the world
and he said
there are no secrets
but if you climb the mountain
stand on its crest
and feel the elements
rain and wind and sun
when you return a man
awaits you with a gun
that you will see
is not a secret

Git-git

a white blanket of death covered
the earth
a red sun climed the
sky
and a strong wind spoke
to the land
above the bones of those
who made the sun
touch the earth
who moved the rivers
and tore the mountains down
it was as it was before
it was as it was before

Git-git

I thank the Creator for that wonderful
gift...that gift is life.
If you stop to think, you'll know...
if you think long enough.
Creator gave us our good Brother, Sun
Sun shines in the day and shines
on our crops so they can grow,
So we thank the Sun.
Our Grandmother Moon
is the night Sun.
She shines at night so we may see
where we are going
So we thank Grandmother Moon.
Our Mother Earth takes care of us
while we visit her
She gives us food, water and shelter.
She gives us good dirt to plant
crops like corn beans squash
potatoes and onions
She gives us wood to have a warm fire
when it's cold
So we thank our Mother Earth
for what she does for us.
Robert Shenandoah
Onondaga Indian School

RIVER OF OURS

Lazily weaving its way
Snaking across this land of ours
Holding the power of life and death
In its deep, dark rolling waters.

Many years have gone by
The land it once covered is dry
It has moved once again
Seeking a bed where it can run.

It is just a river

But it flows through my heart
Washing away the secrets I hold
Things in my past, stories untold.

I live a life of so long ago
Sitting on its banks
Pondering its mysterious ways
Following its lead.
L.D. Malcolm

The rain makes the plants grow.
The rain makes the corn real big.
The corn makes us grow.
All the plants make us big too
Harold Printup
Onondaga Indian School

I wonder why I am here
I'm lucky I am
I wonder when I'll die
I am afraid
In the sun, I'm not alone
My shadow is with me
Sometimes it will talk, but I
won't hear
But he listens

Vincent Thomas
Onondaga Indian School